

PROCEEDINGS HELD BEFORE THE  
BALDWIN COUNTY COMMISSION DISTRICT #2  
PLANNING (ZONING) DISTRICT BOARD OF ADJUSTMENT  
October 14, 2019

The following proceedings were held on this  
the 14th day of October, 2019, at the Baldwin  
County Central Annex, Main Auditorium, 22251  
Palmer Street, Robertsdale, Alabama, before Susan  
C. Andrews, Certified Court Reporter Number 287.

**A P P E A R A N C E****BOARD OF ADJUSTMENT MEMBERS PRESENT**

Brandon Bias, Chairman, District 15

Michael Cochran, District 28

Mary Hope, District 26

**BALDWIN COUNTY PLANNING AND ZONING DEPARTMENT****PRESENT**

Linda Lee, Planner

Crystal Bates, Planning Technician

## I N D E X

1		
2		
3		
4	1 - Call to Order.....	4
5	2 - Roll Call.....	4
6	3 - Approval of Previous Meeting Minutes	
7	(September 9, 2019).....	4
8	(Approved)	
9	Announcements/Registration to Address	
10	4 - the Board of Adjustment.....	5
11	5 - Consideration of Applications and	
12	Requests.....	6
13	5-A - Case No. V-190038 Troyke Property.	6
14	(Approved)	
15	5-B - Case No. V-190039 Montiel Family	
16	Investments Ltd Property.....	9
17	(Denied)	
18	5-C - Case No. V-190040 Montiel Family	
19	Investments Ltd Property.....	63
20	(Denied)	
21	6 - Old Business.....	79
22	7 - New Business.....	79
23	7-A - Approval of 2020 Meeting and	
24	Deadline Calendar.....	79
25	8 - Adjournment.....	80
26		
27		
28		

**P R O C E E D I N G S**

**1 - CALL TO ORDER**

BOARD OF ADJUSTMENT CHAIRMAN BRANDON

BIAS: All right. I believe we will go ahead and call this meeting to order. Ms. Linda, could you proceed with a roll call?

**2 - ROLL CALL**

MS. LINDA LEE: Yes, sir. Mr. Bias.

BOARD OF ADJUSTMENT CHAIRMAN BRANDON

BIAS: Here.

MS. LINDA LEE: Ms. Hope.

BOARD OF ADJUSTMENT MEMBER MARY HOPE:

Here.

MS. LINDA LEE: Mr. Cochran.

BOARD OF ADJUSTMENT MEMBER MICHAEL

COCHRAN: Here.

MS. LINDA LEE: Mr. Chairman, you have a quorum.

BOARD OF ADJUSTMENT CHAIRMAN BRANDON

BIAS: Thank you.

**3 - APPROVAL OF PREVIOUS MEETING MINUTES (SEPTEMBER 9, 2019)**

BOARD OF ADJUSTMENT CHAIRMAN BRANDON

BIAS: We will proceed with approval of the previous meeting minutes from September 9th,

1 2019.

2 BOARD OF ADJUSTMENT MEMBER MICHAEL

3 COCHRAN: Make a motion that we accept the  
4 minutes as requested.

5 BOARD OF ADJUSTMENT MEMBER MARY HOPE: I  
6 second it.

7 BOARD OF ADJUSTMENT CHAIRMAN BRANDON

8 BIAS: All those in favor, say aye.

9 (Commission Members say "aye" in unison.)

10 BOARD OF ADJUSTMENT CHAIRMAN BRANDON

11 BIAS: All opposed?

12 (No response.)

13 BOARD OF ADJUSTMENT CHAIRMAN BRANDON

14 BIAS: Minutes are approved.

15

16 **4 - ANNOUNCEMENTS/REGISTRATION TO ADDRESS THE BOARD OF**  
17 **ADJUSTMENT**

18 BOARD OF ADJUSTMENT CHAIRMAN BRANDON

19 BIAS: Linda, any announcements for the board?

20 MS. LINDA LEE: Just my usual  
21 announcement. Anyone that has a cellphone, if  
22 you will, please make sure that you turn it off  
23 or turn it to silent. If you need to make a call  
24 or take a call, please go out into the vestibule.

25 When the chairman calls your name, you need  
26 to come up to the podium. Sometimes we're not  
27 sure of your name and need you to state your name  
28 for the court reporter.

1 If you do not wish to speak when he calls  
2 your name, you can tell him you pass or that you  
3 only signed up to answer questions. Okay.

4 **5 - CONSIDERATION OF APPLICATIONS AND REQUESTS**

5  
6 **5-A - CASE NO. V-190038 TROYKE PROPERTY**

7 BOARD OF ADJUSTMENT CHAIRMAN BRANDON  
8 BIAS: Thank you. We'll proceed with the first  
9 case, V-190038.

10 MS. LINDA LEE: Okay. This is the  
11 Troyke Property. The subject property is located  
12 at 12059 County Road 1 in Planning District 26.  
13 The property is zoned RSF-2, Residential  
14 Single-Family District.

15 The applicant is requesting a variance to  
16 allow for the construction of a new single-family  
17 dwelling. The zoning requirement at issue is the  
18 rear road side setback. The applicant proposed  
19 constructing the dwelling eighteen (18) feet from  
20 the rear property line, which would be a variance  
21 of twelve (12) feet.

22 This property was approved for a twenty (20)  
23 foot rear setback in 2014. The proposed dwelling  
24 has a two (2) foot cantilevered bathroom on the  
25 rear that requires the additional approval.

26 On your screen is the locator map. This is  
27 the site photography. This is a picture of the  
28 subject property and adjoining property to the

1 east, adjoining property to the west. And this  
2 the proposed site plan that was submitted.

3 Staff feels this is a reasonable request due  
4 to the fact that it was consistent with previous  
5 variance approvals, and due also to the presence  
6 of area topographic factors, including the small  
7 size of the property, the right-of-way on County  
8 Road 1, and the V-Zone setback.

9 As a result, Staff recommends that Case  
10 Number V-190038 be approved. I'll answer any  
11 questions you may have for me.

12 BOARD OF ADJUSTMENT CHAIRMAN BRANDON  
13 BIAS: Questions for staff?

14 (No response.)

15 BOARD OF ADJUSTMENT CHAIRMAN BRANDON  
16 BIAS: All right. With that, we will open the  
17 public hearing. I have a Kenny Roberson signed  
18 up to speak.

19 MR. KENNY ROBERSON: I'm Kenny Roberson.  
20 I'm representing the Troykes, I'm their  
21 contractor.

22 BOARD OF ADJUSTMENT CHAIRMAN BRANDON  
23 BIAS: Any questions for the applicant?

24 BOARD OF ADJUSTMENT MEMBER MICHAEL  
25 COCHRAN: I don't have any.

26 BOARD OF ADJUSTMENT MEMBER MARY HOPE:  
27 (Indicates negatively.)

28 BOARD OF ADJUSTMENT CHAIRMAN BRANDON

1 BIAS: Thank you, sir.

2 MR. KENNY ROBERSON: All right. Thank  
3 you.

4 BOARD OF ADJUSTMENT CHAIRMAN BRANDON

5 BIAS: Anyone else that wishes to speak on this  
6 case?

7 (No response.)

8 BOARD OF ADJUSTMENT CHAIRMAN BRANDON

9 BIAS: With that, we will close the public  
10 hearing. Any additional comments from staff or  
11 questions for staff?

12 MS. LINDA LEE: No, sir, I don't have  
13 any more comments.

14 BOARD OF ADJUSTMENT MEMBER MICHAEL

15 COCHRAN: I don't have any questions. I want to  
16 make motion that we accept per staff's  
17 recommendations.

18 BOARD OF ADJUSTMENT MEMBER MARY HOPE:  
19 I'll second it.

20 BOARD OF ADJUSTMENT CHAIRMAN BRANDON

21 BIAS: Ms. Linda, will you proceed with the  
22 rollcall vote?

23 MS. LINDA LEE: Yes.

24 BOARD OF ADJUSTMENT CHAIRMAN BRANDON

25 BIAS: Okay. Proceed with the vote, please.

26 MS. LINDA LEE: Ms. Hope.

27 BOARD OF ADJUSTMENT MEMBER MARY HOPE:  
28 Yes.



1 MS. LINDA LEE: Mr. Cochran.

2 BOARD OF ADJUSTMENT MEMBER MICHAEL

3 COCHRAN: Yes.

4 MS. LINDA LEE: Mr. Bias.

5 BOARD OF ADJUSTMENT CHAIRMAN BRANDON

6 BIAS: Yes.

7 MS. LINDA LEE: Motion carries.

8 BOARD OF ADJUSTMENT CHAIRMAN BRANDON

9 BIAS: Okay.

10

11 **5-B - CASE NO. V-190039 MONTIEL FAMILY INVESTMENTS LTD**

12 **PROPERTY**

13 BOARD OF ADJUSTMENT CHAIRMAN BRANDON

14 BIAS: Proceeding with the next case, V-190039.

15 MS. LINDA LEE: Okay. The applicant is

16 requesting a variance to allow for the

17 construction of a new single-family dwelling.

18 The zoning requirement at issue is the north and

19 south side setbacks. As I'm sure you're all

20 aware, this was presented in August, and the

21 Board voted to deny.

22 The applicant came back in September and

23 requested a rehearing. And so based on, you

24 know, the information that the applicant

25 submitted, the Board granted them a re-hearing,

26 and so now we're here for a new case.

27 The subject property is located on 24181 Bay

28 Shore Drive in Planning District 16. This is the

1 locator map. And this is the aerial photography.

2 This is a picture of the subject property.

3 This is the adjoining property to the north, and  
4 this is the adjoining property to the south.

5 According to the survey submitted, the  
6 property is thirty-five (35) feet wide on the  
7 road side and forty-nine (49) feet wide on the  
8 water side.

9 The approximate square footage is sixteen  
10 thousand, three hundred seven (16,307)  
11 square-feet. The minimum lot width for  
12 properties zoned RSF-2 is eighty (80) feet at the  
13 building line. As a result, the lot is  
14 nonconforming.

15 However, due to the fact that the property is  
16 a lot of record, which was preexisting at the  
17 time zoning was adopted, it may be used as a  
18 building site but must conform with all zoning  
19 requirements with the exception of square footage  
20 and lot width.

21 The applicant has proposed constructing the  
22 dwelling five-point-nine-two (5.92) feet from the  
23 northeast property line, which would be a  
24 variance of four-point-zero-eight (4.08) feet,  
25 seven-point-four-four (7.44) feet from the  
26 northwest property line, which would be a  
27 variance two-point-five-six (2.56) feet, and five  
28 (5) feet from the south property line, which

1 variance of five (5) feet.

2 The width of the property of the proposed  
3 dwelling site is forty-point-six-one (40.61) feet  
4 on the east side and forty-two-point-nine-seven  
5 (42.97) feet on the west side.

6 This is just a closer view of the proposed  
7 site plan showing the proposed setbacks. It also  
8 shows you the fifty (50) foot setback from the  
9 highest tide line. And, as you see, they have  
10 added the measurements at twenty (20) foot  
11 intervals as requested by the Board.

12 Staff does feel that this is a reasonable  
13 request based on the narrowness of the parcel,  
14 and staff recommends approval of Case Number  
15 V-190039. I'll answer any questions you may have  
16 for me.

17 BOARD OF ADJUSTMENT MEMBER MICHAEL  
18 COCHRAN: My copy is kind of small here. We were  
19 looking at the mean tide, high tide; is that  
20 right? Where is this on this sketch?

21 MS. LINDA LEE: Okay. And it might be  
22 on the bigger one you have, but if you look on  
23 the one on the screen -- hold on, let me walk  
24 over here. Down in this corner, Mr. Cochran.

25 BOARD OF ADJUSTMENT MEMBER MICHAEL  
26 COCHRAN: Okay.

27 MS. LINDA LEE: Okay. Down here in the  
28 corner they show, I think, the mean high tide

1 line, and then they gave you a measurement that  
2 says fifty (50) feet is the highest tide line.

3 It looks like the line starts at the mean  
4 high tide. I don't know if the surveyor just,  
5 you know, labeled it differently or what.

6 BOARD OF ADJUSTMENT MEMBER MICHAEL  
7 COCHRAN: How far do you have to setback for the  
8 mean high tide?

9 MS. LINDA LEE: The setback in the VE  
10 Flood Zone is fifty (50) feet from the reach of  
11 the mean high tide. So they just wanted you all  
12 to see where the high tide line was, where the  
13 mean high tide -- I'm sorry. The fifty (50) foot  
14 setback from the mean high tide line -- highest  
15 tide line.

16 BOARD OF ADJUSTMENT CHAIRMAN BRANDON  
17 BIAS: Linda, can you talk a little bit about the  
18 difference between VE Zone and the AE Zone?

19 MS. LINDA LEE: Well, you know, those  
20 are FEMA flood zones. And they have different  
21 height elevations based on which flood zone  
22 you're in.

23 The VE is considered high velocity, so you  
24 have more storm surge in the VE flood zone. And  
25 then in the AE flood zone, because even in AE you  
26 have different levels of elevation that is  
27 required.

28 Basically, for zoning, we just have setbacks

1 based on what flood zone you're in, because the  
2 height part is governed by the building code.

3 BOARD OF ADJUSTMENT CHAIRMAN BRANDON

4 BIAS: Thank you.

5 MS. LINDA LEE: You're welcome.

6 BOARD OF ADJUSTMENT CHAIRMAN BRANDON

7 BIAS: Also, another question. When this case  
8 originally was discussed back in August --

9 MS. LINDA LEE: Yes, sir.

10 BOARD OF ADJUSTMENT CHAIRMAN BRANDON

11 BIAS: -- what was staff's recommendation for  
12 that case?

13 MS. LINDA LEE: Approval.

14 BOARD OF ADJUSTMENT CHAIRMAN BRANDON

15 BIAS: Thank you.

16 MS. LINDA LEE: You're welcome.

17 BOARD OF ADJUSTMENT CHAIRMAN BRANDON

18 BIAS: Any other questions?

19 BOARD OF ADJUSTMENT MEMBER MICHAEL

20 COCHRAN: I've got a question. How wide is the  
21 house that we're -- what width -- do we need to  
22 not have a variance here?

23 MS. LINDA LEE: Well --

24 BOARD OF ADJUSTMENT MEMBER MICHAEL

25 COCHRAN: Well, the house is how wide?

26 MS. LINDA LEE: Hold on.

27 BOARD OF ADJUSTMENT MEMBER MICHAEL

28 COCHRAN: Subject property house.

1 MS. LINDA LEE: Hold on, let me answer  
2 you. The house that they are proposing, if I'm  
3 not mistaken, is twenty-nine-point -- I think  
4 it's six (29.6), but I'll have to get my staff  
5 report to say for certain.

6 It's twenty-nine-point-something is the width  
7 of the house that he is proposing on the  
8 northeast side, and then on the -- no, I'm sorry,  
9 on the east side of the property, on the west  
10 side of the property, the house is  
11 thirty-one-point-something feet wide.

12 BOARD OF ADJUSTMENT MEMBER MICHAEL  
13 COCHRAN: Okay. Thirty-point-five-three (30.53),  
14 and then twenty-nine-point-six-seven (29.67). So  
15 it's not quite a square.

16 MS. LINDA LEE: Right, because of the  
17 way the house -- the way the top of it widens  
18 out, I guess, he chose to have his house --

19 BOARD OF ADJUSTMENT MEMBER MICHAEL  
20 COCHRAN: So the widest portion of the house, you  
21 need how much -- you need how much to not have a  
22 variance on each side?

23 MS. LINDA LEE: Okay. All I can tell  
24 you is at that widest portion, the property is  
25 forty-two-point-nine-seven (42.97) feet wide.

26 BOARD OF ADJUSTMENT MEMBER MICHAEL  
27 COCHRAN: Okay.

28 MS. LINDA LEE: Which means that you are

1 going to have ten (10) feet on each side, you'll  
2 be building house that is  
3 twenty-two-point-nine-seven (22.97) feet.

4 BOARD OF ADJUSTMENT MEMBER MICHAEL

5 COCHRAN: So it's not feasible for this house?

6 MS. LINDA LEE: I'm not saying whether  
7 or not it's feasible. I guess I'm -- you know,  
8 the applicant would like to build what they think  
9 is a reasonable size dwelling. And staff has no  
10 problem with a house that's not -- you know,  
11 it'll be thirty (30) feet wide.

12 BOARD OF ADJUSTMENT MEMBER MICHAEL

13 COCHRAN: Right. We requested the surveyor to do  
14 every twenty (20) feet --

15 MS. LINDA LEE: Yes.

16 BOARD OF ADJUSTMENT MEMBER MICHAEL

17 COCHRAN: -- and find out how wide it is at that  
18 point.

19 MS. LINDA LEE: Correct.

20 BOARD OF ADJUSTMENT MEMBER MICHAEL

21 COCHRAN: And so we've got those dimensions in  
22 there?

23 MS. LINDA LEE: Yes, sir. So if you  
24 look at survey that's on the screen, the numbers  
25 in the middle, going straight down, those are the  
26 measurements at those twenty (20) foot intervals.  
27 And I believe you have some large copies in front  
28 of you as well.

1 BOARD OF ADJUSTMENT CHAIRMAN BRANDON

2 BIAS: Any other questions?

3 (No response.)

4 BOARD OF ADJUSTMENT CHAIRMAN BRANDON

5 BIAS: Well, with that, we'll open up the public  
6 hearing. First person signed up Mr. Murphy.

7 MR. PAT MURPHY: My name is Pat Murphy,  
8 and I'm the applicant for the variance. This is  
9 the third time we've gone through this, so I'm  
10 not going to go through it. I just wanted to  
11 bring up a couple points.

12 One, I want to talk about District 26, which  
13 you guys -- I believe that is your district,  
14 Ms. Hope, that currently in the Baldwin County  
15 ordinance is -- there is already an ordinance  
16 given for RS-2 -- RSF-2, single-family  
17 classifications.

18 And the Planning District 26 has adopted a  
19 local provision for this particular reason, to  
20 accommodate narrow and irregularly shaped lots.  
21 That allows a thirteen (13) foot separation  
22 between buildings to allow the narrowness and the  
23 hardship presented by it to the property owner.

24 For example, there is an address, 137 -- 733  
25 off Scenic Highway 98 in Point Clear. It's a  
26 fifty (50) foot wide lot on the water. It's a  
27 fifty (50) foot wide lot at the street, no  
28 narrowness at all with this piece of property.



1       They're my friends. They just built a house  
2       a year ago, a thirty-seven (37) foot wide house,  
3       three (3) foot setback on one side, same foot  
4       setback on the other, thirteen (13) feet between  
5       structures.

6       And that ordinance is in the -- in the  
7       booklet already published, that they did not have  
8       to come in front of you guys to get a variance.

9       We're asking for a twenty-nine-and-a-half  
10      (29-1/2) foot wide house on a very irregular  
11      shaped lot compared to -- I'm not sure who  
12      approved the ordinances for the County, but in  
13      District 26, this would be a given, even with the  
14      irregular shaped lot. I also wanted to bring  
15      up -- again, this is an example. I've got the  
16      address.

17      I also wanted to bring up some of points that  
18      have been brought up over the last four months  
19      regarding our property and the potential of us  
20      building a house.

21      It was stated at the last meeting, two months  
22      ago, that approving this variance would deplete  
23      the value of -- ten (10%) to fifteen percent  
24      (15%) of the value of the homes around the  
25      neighborhood if this variance was granted.

26      If that's the situation, the property value  
27      has already been impacted by that, because the  
28      house on north side of the property -- on the

1 north side, which you can see in the drawing, you  
2 can see their deck is five-and-a-half (5-1/2)  
3 feet from the property line.

4 The variance we're asking for is greater than  
5 that. So if there's been an impact to the  
6 property value, it's already been absorbed,  
7 because that house is currently sitting closer  
8 than what we're asking for.

9 The second point that's been brought up is  
10 that it's one hundred percent (100%) economics,  
11 where we're asking the neighborhood to be  
12 impacted economically for our gain.

13 The variance application at 18.6.2, standards  
14 for approval for a variance, lists two things;  
15 exceptional narrowness, which this lot has and  
16 the County has approved it; and also that the  
17 granting of the application is necessary for the  
18 preservation of property rights and not merely to  
19 serve as convenience to the applicant or based  
20 solely upon economic loss.

21 This isn't -- we're not coming here for a  
22 economic loss. This is for a narrowness we're  
23 asking for this variance.

24 The third objection that has come up is a  
25 risk for fire. As stated earlier, this County  
26 has approved a thirteen (13) foot separation  
27 between buildings and granted that that is safe  
28 from fire protection.

1       It's in District 26. They have agreed that  
2       that is far enough away from a fire perspective.  
3       Also, the County mandates a firewall if  
4       greater -- if closer than five (5) feet from the  
5       property line, of which our structure will be  
6       greater than five (5) feet from the property  
7       line.

8       We have stated that we will build a firewall,  
9       even though, per code, you don't have to. We  
10      would build a firewall on the north side of our  
11      house to allow for ease of mind from a property  
12      perspective.

13      The fourth thing that came up was the north  
14      neighbor that's listed requested any structure  
15      that's built on this property to not be built  
16      closer to the water than their home.

17      We met with the neighbors a couple weeks ago,  
18      and the first thing that came up was not -- a  
19      home not built any closer to the water. Because  
20      when they stood on their porch, they would like  
21      to have the same view that they've always had.

22      And they've had this house for a very, very  
23      long time in their family. And I think that's  
24      fantastic. One of the requests was not break  
25      their view.

26      We've committed be equal to or further away  
27      from the water to not obstruct any view from that  
28      house. That was our commitment to them. And so

1 they've asked for no home to be built closer to  
2 the property line to my north side.

3 The fifth one that was bought up was the  
4 thirteen (13) feet apart between structures.  
5 During a potential high tide or a storm or  
6 hurricane, the objection was that's far enough  
7 for debris to be able to flow between houses.

8 I went and looked. The pilings between my --  
9 the north house that's sitting on the north  
10 property is nine (9) feet, four (4) inches apart  
11 from each other, as was all the other houses. I  
12 don't believe there's any thirteen (13) feet  
13 between pilings.

14 So it would be by the grace of God that any  
15 debris that came in would funnel between houses  
16 and not hit houses directly. So we're still over  
17 four -- almost four (4) feet separation than the  
18 pilings under my north neighbors house.

19 Those are five big concerns that were brought  
20 up. You know, again, we're -- we're requesting  
21 an application where we've accommodated centering  
22 the homes.

23 One thing that was brought up, again, I  
24 forgot to mention, in the depletion of property  
25 value, Mr. Allen and I did meet the neighbors,  
26 and it was requested why don't we build a duplex,  
27 put our houses together.

28 Well, if that's the situation, if we're

1 worried about property value, duplexes are not an  
2 approved structure on this street. And if it's  
3 property value, why would the suggestion of a  
4 duplex be done?

5 And so, you know, again, this is for a  
6 narrowness of lot. There's already a variance --  
7 there's already an ordinance -- zoning ordinance  
8 in place for District 26 for this particular  
9 reason. And we're just asking for the County to  
10 apply that same ordinance to this district.

11 It's not a Montrose ordinance; it's a County  
12 ordinance. And so we're just asking for that to  
13 be applied here for the thirteen (13) foot  
14 structure. And I'll be happy to answer any  
15 questions you guys may have.

16 BOARD OF ADJUSTMENT CHAIRMAN BRANDON  
17 BIAS: Any questions for the applicant?

18 BOARD OF ADJUSTMENT MEMBER MICHAEL  
19 COCHRAN: No.

20 BOARD OF ADJUSTMENT MEMBER MARY HOPE:  
21 (Indicates negatively.)

22 BOARD OF ADJUSTMENT CHAIRMAN BRANDON  
23 BIAS: Thank you, sir.

24 MR. PAT MURPHY: Thank you.

25 BOARD OF ADJUSTMENT CHAIRMAN BRANDON  
26 BIAS: The next person signed up is Glenda  
27 Montiel.

28 MS. GLENDA MONTIEL: This evolution of

1 the concept of Planning and Zoning was intended  
2 to provide a roadmap for the future development  
3 of balanced community with growing populations,  
4 realizing that the one-size-fits-all regulations  
5 would present hardships for some property owners  
6 to implement.

7 So boards of adjustment were also created to  
8 offer a process to allow reasonable relief for  
9 those landowners, which is why we are all here  
10 today, again.

11 Because it has been determined by the zoning  
12 administrative staff that the two lots do qualify  
13 for hardship created by the rigid side setbacks  
14 imposed in 1993, following the development of Red  
15 Gully Subdivision in 1949, when there was no  
16 designated setbacks at all on -- for each lot.

17 It's my understanding that our Board of  
18 Adjustment is comprised of citizen who are  
19 appointed and who generously give their time to  
20 uphold their duties considering applications for  
21 landowners and listening to the public to  
22 determine if variances are granted.

23 The applications under consideration both  
24 have met the threshold required for variances and  
25 have each been recommended for approval by the  
26 zoning administrative staff three times -- well,  
27 two times. The last time was just to be reheard.

28 Their purpose is to determine the eligibility

1 of applicants for variances. Determining factors  
2 supporting their approval or their suggestion to  
3 approval -- to approve are that the lots are  
4 nonconforming due to their shapes and dimensions  
5 as platted in 1949, before zoning -- well,  
6 planning and zoning was ever implemented in 1993,  
7 as Red Gully Subdivision. They were two lots,  
8 not a lot that has been subdivided, as some  
9 people think it may have been.

10 The staff's recommendation to approve the  
11 variances preserves the property rights of the  
12 owner to construct a single-family dwelling,  
13 which conforms with the new norm that's been  
14 established by homeowners who have come in and  
15 built more luxurious dwellings, that are  
16 beautiful. And they have really improved the  
17 neighborhood.

18 They have also determined that granting the  
19 variances would not impair light and air to  
20 adjacent properties, would not unreasonably  
21 increase congestion of the public streets, would  
22 not increase the danger of fire, would not impair  
23 public safety, would not diminish or impair  
24 established property values in the neighborhood,  
25 and in my opinion, would improve the value -- the  
26 property values.

27 And they also -- in any respect, the property  
28 would not be impaired -- would not impair the

1 health, safety, comfort, morals, or general  
2 welfare of inhabitants of Baldwin County.

3 These determinations should put neighbors'  
4 concerns at ease regarding potential impacts that  
5 they have shown their concern for, impacts that,  
6 I agree, could be horrible and needed to be  
7 addressed.

8 But now that has been cleared. And I -- I  
9 personally understand resistance to change. And  
10 I respect the public and neighbors' concerns  
11 regarding how the variances would impact them.

12 But I think we've tried and have successfully  
13 addressed all of the complaints or concerns that  
14 they have had, other than just concerns that are  
15 personal and subjective that may or may not be  
16 considered. Thank you.

17 BOARD OF ADJUSTMENT CHAIRMAN BRANDON  
18 BIAS: Any questions for Ms. Montiel?

19 BOARD OF ADJUSTMENT MEMBER MICHAEL  
20 COCHRAN: No.

21 MS. GLENDA MONTIEL: Yes?

22 BOARD OF ADJUSTMENT CHAIRMAN BRANDON  
23 BIAS: Oh, I was asking the board if we have  
24 questions for you.

25 BOARD OF ADJUSTMENT MEMBER MICHAEL  
26 COCHRAN: No questions.

27 BOARD OF ADJUSTMENT CHAIRMAN BRANDON  
28 BIAS: Thank you. The next speaker is George --



1 George, I apologize, I don't know your last name  
2 here. If you wouldn't mind coming up --

3 MR. GEORGE SAKELLARIDES: You won't be  
4 the first.

5 BOARD OF ADJUSTMENT CHAIRMAN BRANDON  
6 BIAS: -- if you wouldn't mind coming up here and  
7 telling the reporter on the record what your last  
8 name is.

9 MR. GEORGE SAKELLARIDES: I am George  
10 Sakellarides. Déjà vu. Don't want to repeat --  
11 I don't know if you read the minutes of the last  
12 meeting, don't want to repeat all of that. I  
13 have a drawing up there of 24255 Bay Shore Drive,  
14 a house I built in 2010.

15 BOARD MEMBER MICHAEL COCHRAN: Is that  
16 that picture right there? We're trying to find  
17 it. I think it's the big drawing, is what you're  
18 referring to.

19 MS. LINDA LEE: It's the one set that  
20 you only had the one set of.

21 MR. GEORGE SAKELLARIDES: I only had the  
22 one set.

23 BOARD OF ADJUSTMENT MEMBER MICHAEL  
24 COCHRAN: There's a stack over there.

25 MS. LINDA LEE: No, no, no. It's the  
26 big one. This one.

27 MR. GEORGE SAKELLARIDES: What I wish to  
28 point out, while y'all are looking at it, is to

1 like at the mean high rise, the house was built  
2 back further. Do y'all see that?

3 BOARD OF ADJUSTMENT CHAIRMAN BRANDON

4 BIAS: (Indicates affirmatively.)

5 MR. GEORGE SAKELLARIDES: At -- it's a  
6 fifty (50) foot setback from the mean high rise,  
7 I built a house five (5) feet further back. And  
8 I have no -- I have not had any problem building  
9 that close to the property or anything.

10 So what I would -- Was it Camille was a year  
11 ago last October? When I went to build, I also  
12 asked for a variance. My contractor says, you're  
13 in the Montrose area, and there's never really  
14 been one granted. He says, I suggest you forget  
15 about it.

16 I went with it. I had no problems. I forgot  
17 in 2015, I think, was the other -- Bodiford had  
18 the property next to me, and he was selling it.  
19 And they asked for a one-and-a-half (1-1/2) foot  
20 variance that was denied.

21 So I'm basing it all on history. No one  
22 wants change. They want to maintain the same  
23 appearance. This is the Montrose area. It's not  
24 Spanish Fort. It's the county. We want to  
25 maintain, as we all have previously stated from  
26 the previous meeting. But I see no problem in  
27 building closer to the water.

28 The neighbor that just moved in last week

1 next to me, he bought that property, and he  
2 didn't request a variance. And he's got a nice,  
3 big house there. And he's just as close to the  
4 water as I am. No problem.

5 Have any questions?

6 BOARD OF ADJUSTMENT MEMBER MICHAEL

7 COCHRAN: Yeah. I've got a question. You know,  
8 it doesn't matter how close he goes to the water,  
9 he can't build this size house, because the house  
10 is thirty (30) feet across.

11 And if he doesn't get a variance, he's got to  
12 have ten (10) feet on each side. And that's  
13 fifty (50) feet. And the widest point on that  
14 lot, near that tide line, is forty-five (45)  
15 feet. He needs fifty (50).

16 He can't -- your house is exactly -- almost  
17 exactly the same width as what -- the person  
18 that's trying to get the variance. But he has a  
19 smaller lot than you do, and he can't build that  
20 lot on this thing on -- with thirty (30) foot  
21 wide house, because it's not wide enough.

22 We got the variance -- the widest point is  
23 forty (40) -- forty-six-point-three-zero (46.30).  
24 He can't build. So the argument for moving it  
25 closer is not going to work.

26 MR. GEORGE SAKELLARIDES: Well, my  
27 suggestion is buy a bigger piece of land.

28 BOARD OF ADJUSTMENT CHAIRMAN BRANDON

1 BIAS: George, can you tell me --

2 BOARD OF ADJUSTMENT MEMBER MICHAEL

3 COCHRAN: So there's a hardship on this land.  
4 That's what variances -- that's what -- that's  
5 what we're all about. There's a hardship on this  
6 land due to the narrowness. You didn't have a  
7 hardship on your land because --

8 MR. GEORGE SAKELLARIDES: I didn't bring  
9 it up.

10 BOARD OF ADJUSTMENT MEMBER MICHAEL

11 COCHRAN: No -- well, you built a house exactly  
12 the same width of this, and you didn't have to  
13 have a variance, so you didn't have a hardship on  
14 this land.

15 MR. GEORGE SAKELLARIDES: I wanted a  
16 bigger house, but I didn't get it.

17 BOARD OF ADJUSTMENT MEMBER MICHAEL

18 COCHRAN: Well, you didn't go -- did you -- well,  
19 I don't know. We just -- we just follow the  
20 rules, you know.

21 BOARD OF ADJUSTMENT CHAIRMAN BRANDON

22 BIAS: George, can you tell me how wide your  
23 piece of land is? Is it --

24 MR. GEORGE SAKELLARIDES: Fifty (50)  
25 feet --

26 BOARD OF ADJUSTMENT CHAIRMAN BRANDON

27 BIAS: -- a fifty (50) foot lot?

28 MR. GEORGE SAKELLARIDES: Fifty (50)

1 foot by four hundred (400) plus feet. I have a  
2 long driveway, I got to push the garbage all the  
3 way.

4 BOARD OF ADJUSTMENT CHAIRMAN BRANDON

5 BIAS: Any other questions?

6 BOARD OF ADJUSTMENT MEMBER MICHAEL

7 COCHRAN: No.

8 BOARD OF ADJUSTMENT MEMBER MARY HOPE:

9 (Indicates negatively.)

10 BOARD OF ADJUSTMENT CHAIRMAN BRANDON

11 BIAS: All right. Thank you, sir.

12 Next up is Mr. Roger Koby.

13 MR. ROGER KOBY: Okay. I paid to have  
14 this drawn up, right here. It's a  
15 twenty-four-point-five (24.5) foot house wide.  
16 That is a common-size house.

17 Hi. Name is Roger Koby. I live adjacent to  
18 the property in question. We -- now, are we  
19 going to make a decision on both lots together,  
20 or are we going to decide on just one, or how is  
21 this going to work?

22 BOARD OF ADJUSTMENT CHAIRMAN BRANDON

23 BIAS: We'll take these cases independently.

24 MS. LINDA LEE: You're adjacent to the  
25 one --

26 MR. ROGER KOBY: Okay.

27 BOARD OF ADJUSTMENT CHAIRMAN BRANDON

28 BIAS: Yeah, this is the northern of the two lots

1 right now.

2 BOARD OF ADJUSTMENT MEMBER MICHAEL

3 COCHRAN: We're doing one lot at the time.

4 MR. ROGER KOBY: Well, the lot next to  
5 it is going to affect this lot. So I'll give you  
6 my -- what I have to say about -- which is really  
7 about both of them both.

8 BOARD OF ADJUSTMENT CHAIRMAN BRANDON

9 BIAS: That's fine.

10 MR. ROGER KOBY: I apologize that I say  
11 south or north. I live adjacent, one lot over  
12 from the property in question. And I don't share  
13 the property line with that one.

14 I'm opposed to approval of the variance. The  
15 variance is clearly for the sole benefit of not  
16 having to build in the VE Zone because of  
17 monetary considerations.

18 I would like to apologize to the Board for my  
19 last slightly incorrect plan. The confusion --  
20 the confusion arose from the lack of a mean high  
21 tide line that was not required when we came in  
22 front of the Board.

23 With that being said, I think it was a  
24 correct decision by the Board to require the mean  
25 high tide line in order to make a proper,  
26 educated decision about this variance request.

27 According to the building code, you can build  
28 a house fifty (50) feet behind the mean high tide

1 line. Now, with the mean high tide line and the  
2 definite -- defined regulations about building in  
3 the VE Zone, I am relieved to say that my plan  
4 presented in the previous meeting was very  
5 similar to the plan presented today.

6 In fact, the new plan has a larger square  
7 foot than the previous plan that the Board  
8 unanimously found fair; a fifteen hundred and  
9 ninety-two (1,592) square foot single story -- or  
10 in his case, I think, fifteen sixty-six (1,566).  
11 I can't really read it. Or is it fifteen  
12 forty-four (1,544) square foot on that house?

13 BOARD OF ADJUSTMENT CHAIRMAN BRANDON  
14 BIAS: Fifteen forty-four (1,544).

15 MR. ROGER KOBAY: Right. For a single  
16 story or it would be about three thousand (3,000)  
17 square foot two-story home can be built without a  
18 variance.

19 This property does not represent a hardship.  
20 Variances should only be granted in cases of  
21 extreme hardship. This case is an economic  
22 convenience for the prospective property owner.

23 If the house is located fifty (50) feet  
24 behind the mean high tide line, the setbacks can  
25 easily be met.

26 The house can be built twenty-four-point-five  
27 (24.5) wide by sixty-three (63) -- or that one,  
28 sixty (60) foot in length. This is a common house

1 size on a fifty (50) foot lot.

2 I recently built a twenty-five (25) foot  
3 house in downtown Fairhope on a fifty (50) foot  
4 lot with a ten (10) foot driveway and all  
5 within -- everything within the setback.

6 This house is six (6) inches different than  
7 that house. And there are a lot of houses in  
8 Fairhope that are built on fifty (50) foot lots.

9 Again, this house plan has more square  
10 footage than my last house plan that the Board  
11 unanimously denied this variance request.

12 I hope the Board considers the precedent set  
13 in the last meeting. Building in the VE Zone is  
14 not a hardship. Several of the houses on our  
15 street and down the coast on Montrose are built  
16 in the VE Zone.

17 Most homeowners actually want to build in VE  
18 Zone, because it provides a better view. Several  
19 of the neighbors who spoke at the last meeting in  
20 opposition to the request for variance have their  
21 homes in VE Zone. They find it to be a treasure,  
22 not a hardship.

23 There is a reason why this property is among  
24 the least inexpensive waterfront lots in the  
25 Daphne/Historic Montrose area. You must build a  
26 smaller home, which is not bad or a hardship.

27 Every piece of property is created and  
28 divided with a purpose. There is nothing wrong



1 with designing a property to be compatible with  
2 twenty-four-point-five (24.5) foot three thousand  
3 (3,000) square foot house.

4 If the property owner wants a thirty (30)  
5 foot wide house, he or she can easily achieve  
6 that by combining the two lots that were long ago  
7 subdivided.

8 As I've stressed, the variance is being  
9 sought solely for economic and personal reasons,  
10 clearly violating the ordinance for a reason to  
11 give a variance.

12 Baldwin County Zoning Ordinance, under  
13 18.6.2, Standards for Approval, that the granting  
14 of the application is necessary for the  
15 preservation of a property right and not merely  
16 to serve as a convenience to the applicant or  
17 based solely on economic loss.

18 In Section D, it increases the danger of  
19 fire, might impair health, safety, comfort,  
20 morals, or general welfare of the inhabitants of  
21 Baldwin County.

22 My house is not fireproof, nor is the Healy's  
23 house fireproof. They would have to build their  
24 home fireproof on the south side.

25 Their plan hinders access to emergency  
26 vehicles to the beach area, sides, and yard  
27 cleanup after a storm.

28 I feel that taking away our privacy reduces

1 the real estate value. Building a house so close  
2 to ours also reduces real estate values.

3 Additionally, taking away the land on the  
4 side of the house will increase the flooding  
5 problems that already exist on both these  
6 properties.

7 I live there, and I understand this issue  
8 firsthand. If anyone wants to build a house on  
9 this property, we welcome them to the  
10 neighborhood, but they should adhere to the  
11 zoning ordinances of Baldwin County.

12 You can build a house on this property in  
13 multiple configurations adhering to current  
14 setbacks. If this lot does not fit the  
15 prospective buyer's desired house, then they  
16 don't need to buy the property.

17 A property owner cannot inflict a hardship on  
18 themselves by saying they want a bigger house.  
19 That does not qualify under the Baldwin County  
20 Ordinance.

21 I want to thank the Committee and the  
22 Adjustment Board and staff for your continued  
23 effort on this case.

24 BOARD OF ADJUSTMENT CHAIRMAN BRANDON  
25 BIAS: Any questions for Mr. Koby?

26 BOARD OF ADJUSTMENT MEMBER MICHAEL  
27 COCHRAN: I don't think so.

28 MR. ROGER KOBY: You've got a copy of my

1 plan up there that I --

2 BOARD OF ADJUSTMENT CHAIRMAN BRANDON

3 BIAS: We do.

4 MR. ROGER KOBY: I --

5 BOARD OF ADJUSTMENT CHAIRMAN BRANDON

6 BIAS: And, Mr. Koby, I have a question, and I'm  
7 going to ask the applicant to come back up at end  
8 and ask him the same question.

9 He mentioned that there was a discussion  
10 amongst residents in the neighborhood about  
11 building houses closer to the water than previous  
12 the houses -- other houses that have been built.

13 So your plan has these two houses much closer  
14 to the water than you or to the neighbor to the  
15 north. Is there any --

16 MR. ROGER KOBY: That has not been the  
17 deal with me. That is my plan, and that is my  
18 desire, you know, the way that I think that the  
19 property can be used.

20 I can't -- I don't want to take people's  
21 property rights away. Those people -- if they  
22 buy the property, they can use the land however  
23 they want, as long as it falls within the -- our  
24 zoning ordinances.

25 And that is the only way that that can be  
26 built on, is with -- with the largest house, the  
27 footprint, which is what I had put on the plan,  
28 which, is the same basic one that I put on there

1 before that I did not have the mean high tide  
2 line to accurately put the plan on there.

3 So we got as close as we could. And you can  
4 see the house is very similar in nature to the  
5 last house that we put on there.

6 BOARD OF ADJUSTMENT MEMBER MICHAEL  
7 COCHRAN: How did you arrive at this width on  
8 this house that you have? I think it was  
9 twenty-four (24) -- I think it was around  
10 twenty-four (24) feet wide.

11 MR. ROGER KOBY: It's  
12 twenty-four-point-five (24.5).

13 BOARD OF ADJUSTMENT MEMBER MICHAEL  
14 COCHRAN: Yeah, twenty-four-point-five (24.5).  
15 How do you arrive at that? Because I don't think  
16 that's really the typical house for a waterfront  
17 property in -- on the Eastern Shore.

18 I mean, I've been appraising for thirty-five  
19 (35) years. And I've probably done tens of  
20 thousands of houses over those thirty (30) years.

21 And I'm pretty familiar with the -- I've done  
22 some really big houses down there, and I've done  
23 some really, really small houses down there, and  
24 probably in the hundreds -- probably in the  
25 hundreds of thousands of houses, you know.

26 I've been at Boardwalk, done some up there.  
27 I've done some down on County Road 1, where the  
28 bridge kind of had some problems. I've done some

1 in Montrose. I've done some on the Bluffs.

2 I just don't agree that  
3 twenty-four-point-five (24.5) is a reasonable  
4 width on a house with this type of property.  
5 When you get into this category of house, you get  
6 into a very expensive site, and you expect to  
7 have a fairly large house on that site.

8 MR. ROGER KOBY: Yes.

9 BOARD OF ADJUSTMENT MEMBER MICHAEL  
10 COCHRAN: And I disagree with you about the  
11 twenty-four-point-five (24.5). I don't -- where  
12 did you get that?

13 MR. ROGER KOBY: Well, that's what will  
14 fit on the property. Now, if you shrink the  
15 house further forward, the house is going to get  
16 wider.

17 BOARD OF ADJUSTMENT MEMBER MICHAEL  
18 COCHRAN: So you're just -- you're just trying to  
19 figure out what would -- what would work on it.  
20 You're not -- you're not saying there is hardship  
21 because of the size of the house. You're just  
22 saying this will work and that's what size I'm  
23 going to put on it.

24 MR. ROGER KOBY: I put a building  
25 footprint on the property of what could be used.  
26 Now, if you bring the house towards the water,  
27 the house is going to get wider.

28 So I tried to get close to the size house

1 that they wanted. And it is a three thousand  
2 (3,000) square foot house.

3 I think that three thousand (3,000) is plenty  
4 big for the water. I don't disagree with you  
5 about there's a lot of big houses there, but  
6 there's a lot of big houses that are for sale  
7 that aren't selling, either.

8 BOARD OF ADJUSTMENT MEMBER MICHAEL  
9 COCHRAN: When you get into that -- that width of  
10 a house, and you have descriptions on widths of  
11 bedrooms and what would you expect in eight  
12 hundred thousand dollar (\$800,000) home, you  
13 would expect to have a fourteen-by-fourteen  
14 (14x14) room. When you start getting into  
15 twenty-four (24), you start running out of --  
16 running out of room to do a master bedroom,  
17 master bathroom.

18 I mean, I just disagree that you mentioned  
19 earlier in your comments that you said  
20 twenty-four-point-five (24.5) is a common width  
21 for houses on the bay. That's what you said.

22 MR. ROGER KOBAY: No, I said on fifty  
23 (50) foot lots, sir. I'm sorry. I didn't -- I  
24 don't believe I said that, but I said twenty --  
25 fifty (50) foot lots.

26 Well, how much can you put on a fifty (50)  
27 foot lot without a variance? A thirty (30) foot  
28 wide house. If you --

1 BOARD OF ADJUSTMENT MEMBER MICHAEL

2 COCHRAN: That's -- that's right, if you've got  
3 twenty (20) or thirty (30), I can add that, you  
4 know. It's fifty (50) feet.

5 MR. ROGER KOBY: Right. So if this  
6 house is sixty (60) feet long, if you reduce the  
7 length of the house, it's guaranteed to get  
8 wider, because the lots tapers. So we can move  
9 the house forward and get it wider.

10 Normally, you know, some of the houses that  
11 I've seen built is you have a great room in the  
12 front, which is twenty-five (25) feet wide, an  
13 eat-in kitchen right behind it, that's all  
14 twenty-five (25) foot.

15 So that's what most people would build, I  
16 think, on a house like that. And behind that,  
17 you put a bedroom on the back of the house, and  
18 then you have steps that go upstairs to more  
19 bedrooms.

20 I mean, it's a totally usable plan. I'm sure  
21 you've appraised plenty of houses in that size  
22 range, just not down there on the bay.

23 BOARD OF ADJUSTMENT MEMBER MICHAEL

24 COCHRAN: I have. I have.

25 MR. ROGER KOBY: But this doesn't have  
26 to do with that. This is a piece of property  
27 that is a particular size. And there's lots of  
28 pieces of property everywhere. That would mean

1 that every single piece of property out there  
2 could command a variance.

3 You've got this piece that's forty-nine (49)  
4 feet wide in the front and tapers down. There  
5 could be a piece that's one hundred (100) foot  
6 wide. And I could come in here and say, I want a  
7 variance for that because I want to a house  
8 that's ninety (90) feet wide. I mean, every --  
9 this property is what it is.

10 BOARD OF ADJUSTMENT MEMBER MICHAEL  
11 COCHRAN: Probably, ninety (90%), eighty percent  
12 (80%) of our variances that are issued are on the  
13 bay. And they're all on County Road 1. And  
14 they're all, you know, right up -- right up --  
15 waterfront properties, eighty percent (80%) of  
16 what we do.

17 We don't -- and we have huge districts all  
18 over the county that are all -- it's all  
19 hardships are all around -- all on the bay,  
20 because these waterfronts a lot of the times were  
21 designed in the '50s, when you could buy a  
22 waterfront lot for twenty (\$20,000) to thirty  
23 thousand dollars (\$30,000). And now, they're two  
24 hundred and fifty (\$250,000) -- they're five  
25 thousand (\$5,000) a front-foot in some areas. So  
26 if you've got fifty (50) foot lot, you've got a  
27 half-a-million dollar (\$500,000) lot.

28 So the times have changed. And the



1 subdivisions are old. And then we've got -- on  
2 top of that, we've got zoning restrictions that  
3 are -- are hurting the people in the development  
4 of the properties.

5 And so there's hardship on these lands.  
6 And so that's what we're trying to -- trying to  
7 make everything fair for everybody.

8 MR. ROGER KOBY: Could I ask a question?

9 BOARD OF ADJUSTMENT MEMBER MICHAEL

10 COCHRAN: Sure.

11 MR. ROGER KOBY: The last time that this  
12 came up, you voted to deny the request. What's  
13 the difference between now --

14 BOARD OF ADJUSTMENT MEMBER MICHAEL

15 COCHRAN: Because I -- because -- okay. I would  
16 like for people to submit their -- their surveys  
17 so I can study them at home, and I don't have to  
18 sit in front of all these people and be -- I have  
19 stage fright. And so I don't like to have all  
20 this stuff --

21 MR. ROGER KOBY: So do I.

22 BOARD OF ADJUSTMENT MEMBER MICHAEL

23 COCHRAN: Well, let me tell you. We're going to  
24 get through this thing. I have stage fright.  
25 And I don't like to try to analyze and do my  
26 homework here in front of fifty (50) people, in  
27 front of a court reporter.

28 And so, you know, you submitted it late. And

1 if I would have noticed -- And it was my fault.  
2 I should have voted probably against it, but I  
3 didn't see that you had twenty-four-point-five  
4 (24.5) on those sites. And I don't -- and  
5 another thing, too, we just didn't have enough  
6 information.

7 MR. ROGER KOBY: I didn't submit -- I  
8 didn't submit --

9 BOARD OF ADJUSTMENT MEMBER MICHAEL  
10 COCHRAN: Well, I -- you know, I'm going to make  
11 my decision. You can submit whatever you want to  
12 submit.

13 But these submissions need to be put to us  
14 before we go in here and sit down at these  
15 tables. Because there's a lot of information  
16 given to us right at very last minute, and then  
17 we've got to make a decision on the thing.

18 And it makes it hard for us. And I don't get  
19 paid a damn penny for it. And I'm here for a  
20 volunteer -- hold on just a second. Listen. I'm  
21 a volunteer. And I work. And -- and I'm doing  
22 this to make my community better.

23 MR. ROGER KOBY: I'm not trying to upset  
24 you. I'm just --

25 BOARD MEMBER MICHAEL COCHRAN: Okay.  
26 But I'm just saying just get your stuff together  
27 and get it to us. That's the reason that I did  
28 vote the way I did that time.

1 MR. ROGER KOBY: I submitted my plan to  
2 Ms. Linda Lee by the cutoff time.

3 MS. LINDA LEE: The plan that he's  
4 talking about in today's meeting, which is on the  
5 screen, you all received in your packet.

6 I believe that -- what you're talking about  
7 was at the last meeting in August, when it was  
8 presented at the meeting, not --

9 BOARD OF ADJUSTMENT MEMBER MICHAEL  
10 COCHRAN: Yeah, the very first time, so --

11 MR. ROGER KOBY: Okay. There's very  
12 little difference between the two things. But I  
13 just want to make it clear. A house can be built  
14 on this property twenty-four-point-five (24.5) by  
15 sixty (60) feet in length. And the property can  
16 be used without a variance.

17 BOARD OF ADJUSTMENT MEMBER MICHAEL  
18 COCHRAN: We understand that. Thank you.

19 BOARD OF ADJUSTMENT CHAIRMAN BRANDON  
20 BIAS: Any questions?

21 BOARD OF ADJUSTMENT MEMBER MARY HOPE:  
22 (Indicates negatively.)

23 BOARD OF ADJUSTMENT CHAIRMAN BRANDON  
24 BIAS: The next speaker is Monica Koby.

25 MS. MONICA KOBY: Good afternoon. I'm  
26 Monica Koby. I own the house directly south of  
27 the property in question. My son, Sam Koby, he  
28 was at the two previous meetings, prepared this

1 statement. He is currently at college and asked  
2 me to read the statement for him.

3 At the last meeting, I shared the  
4 results of my petition and the thorough  
5 and fair process I followed to gather  
6 the data.

7 To refresh the Board's memory, the  
8 results of the petition was a unanimous  
9 selection of opposed to the said  
10 variances.

11 After the community's last strong  
12 showing, I did not think we would be  
13 back to discuss this matter. After  
14 thousands of dollars and hours spent by  
15 the community of Red Gully, this issue  
16 should be put to rest. The community is  
17 exhausted.

18 I am no expert or professional, so  
19 I'll leave the technicalities to someone  
20 else. However, I do know the general  
21 setback and building requirements.

22 With the minimum knowledge, I was  
23 able to take the survey provided by the  
24 applicant's application and draw a  
25 setback conforming house around 25 foot  
26 wide that would have a living area of  
27 approximately 3,000 plus square foot  
28 with two stories.

1                   With a third floor, as some of the  
2                   houses on the street have, square  
3                   footage could be over 4,500 square feet.  
4                   For a 50 foot lot, that sounds like a  
5                   very overly fair-sized house.

6                   For that reason, I cannot comprehend  
7                   the land's hardship. It has straight  
8                   lines and tapers that makes the lot  
9                   bigger as it approaches the road. That  
10                  is not rare, many of the properties in  
11                  the area have that shape.

12                  The agenda stresses the VE Zone as  
13                  the reason for why the variance should  
14                  be passed. Why? The VE Zone is  
15                  physically a flood zone, not an  
16                  un-buildable area. It is irrelevant to  
17                  the variance and appears to be  
18                  misleading to create the illusion that  
19                  the lot must have a variance.

20                  The application states the variance  
21                  to allow for the construction of a  
22                  single-family dwelling. The property  
23                  already allows for the construction of a  
24                  single-family dwelling and the house  
25                  plans to build a single-family dwelling.

26                  I do not understand the meaning of  
27                  this request. If worded the purpose of  
28                  this request is to allow the

1 construction of a larger house that  
2 prospective owner desires, I would  
3 understand, but then consequently that  
4 would conflict with the ordinance. And  
5 the variance cannot serve as a  
6 convenience to the applicant.

7 To push the point further,  
8 Mr. Allen's application states the  
9 reason for the variance request is the  
10 applicant would like a 29.5 foot wide by  
11 65 foot long total buildable footprint.  
12 The word "like" is key.

13 You can have, according to the  
14 building code, 24.5 by sixty-five 65  
15 foot home.

16 At the last board meeting, Member  
17 Mr. Cochran made a statement that really  
18 resonated with me. You cannot show any  
19 metrics that definitively prove that the  
20 house built in the setback will decrease  
21 adjacent property value.

22 You are completely right,  
23 Mr. Cochran. You cannot prove that.  
24 But the same goes for the applicant's  
25 application claim that the variance will  
26 not decrease the chance of fire, risk to  
27 public safety, or property values.

28 I would like to know how the staff

1 supports this claim. With building  
2 homes 10 to 15 feet from each other, I  
3 would assume this is an increase fire  
4 risk compared to the 20 foot required  
5 setback.

6 Additionally, a fire lane must be 10  
7 foot just to fit a fire truck in it.  
8 With the fences between the lots, there  
9 would be 4 to seven 7 foot for a fire  
10 truck to travel. Impossible.

11 How does this not raise concern for  
12 the public's safety. This is part of  
13 why the setbacks are 10 foot.

14 I do not know how many neighbors are  
15 here today, but I would guess it is  
16 fewer than the previous meeting. I  
17 believe part of this is because they are  
18 worn out from driving 30 minutes to  
19 agree -- to argue over something that  
20 seem fundamental to them.

21 The other part is the community  
22 believes that the Board will remember  
23 the points that they made in the  
24 previous meetings and respect the  
25 precedent in the meeting's ruling.

26 The last major point I want  
27 emphasize is that the Board unanimously  
28 denied the previous request for a

1           *variance. The arguments and evidence*  
2           *from both sides have not significantly*  
3           *changed. So I do not believe that the*  
4           *ruling should change.*

5           *A high-quality family home can be*  
6           *built without any variance -- variances.*  
7           *The setbacks are in place to keep our*  
8           *homes safe, private, and green. Let's*  
9           *keep it that way and not negligently*  
10          *change Montrose Historic District.*

11          *I care so much about this ruling*  
12          *because of the meaning of the*  
13          *neighborhood to me. The community and*  
14          *landscape has raised me. And I want the*  
15          *future generations to experience the*  
16          *community as it was intended.*

17          *Thank you very much to the Board for*  
18          *your time and the staff for your support*  
19          *through the process. Sincerely, Sam*  
20          *Koby.*

21          BOARD OF ADJUSTMENT CHAIRMAN BRANDON

22          BIAS: Any questions for Ms. Koby?

23          BOARD OF ADJUSTMENT MEMBER MICHAEL

24          COCHRAN: No.

25          BOARD OF ADJUSTMENT MEMBER MARY HOPE:

26          (Indicates negatively.)

27          BOARD OF ADJUSTMENT CHAIRMAN BRANDON

28          BIAS: Thank you. The next speaker is Mr. Healy.



1 MR. WILLIAM HEALY, JR.: My name is  
2 William Healy, Jr. My family owns the house to  
3 the north. I'm going to try not to get emotional  
4 like I did last time.

5 But My family bought that property probably  
6 when I was, I think, nine, and we built the  
7 house. And as Mr. Murphy said, it doesn't  
8 conform to the standards now.

9 A lot's been brought, you know. We did have  
10 a meeting with Mr. Murphy, and we discussed  
11 several different options. We gave him, you  
12 know, things that we would agree to.

13 And I'm looking up at it now, and I'm seeing  
14 he totally disregarded all of that. All he did  
15 was sit there and talk to us and try to determine  
16 how best to use that meeting to his advantage.

17 The house as it sits -- there was two houses  
18 on those lots. They were tiny, I'd say maybe  
19 twenty (20) feet wide. They were little -- just  
20 little cottages.

21 They were vacation homes for people. They  
22 weren't anything massive. I mean, right now, the  
23 plans, I think, they have is for a four thousand  
24 (4,000) square foot house.

25 A four thousand (4,000) square foot on lot  
26 that is thirty-nine (39) feet wide at its  
27 widest -- or forty-nine (49) feet wide at its  
28 widest, that's not what the lots were intended

1 for. These lots were intended for a small, one  
2 bedroom, maybe two bedroom house.

3 You know, my living room at my house that I  
4 live in now, I think, is seventeen (17) feet  
5 wide. So you can have a full living room -- I  
6 mean, I don't -- I don't tend to guess what  
7 seventeen (17) feet wide is, but it's a nice  
8 living room. I like it. If I had windows on one  
9 side, I could have a new view of the bay.

10 That's what these -- these lots were designed  
11 for. That's why they were subdivided. They --  
12 they're not -- they're not big enough for a huge,  
13 four thousand (4,000) square foot house.

14 You could put a small house. Yes, I  
15 understand your -- your logic about the cost of  
16 the lot. Well, maybe that means that the lots  
17 are priced too high. They have to fit inside  
18 the -- the -- the zoning whatever.

19 I'm more concerned about the distance between  
20 my house and the house. We're already, as you  
21 said, I think, five-and-a-half (5-1/2) feet off  
22 the line. If you grant this variance, that puts  
23 us, what, thirteen (13) feet?

24 I don't even know if it's that much. That's  
25 too close. That house that we live in, it was  
26 old when we bought it, and we retrofitted it.  
27 But the original house, that was built in the  
28 '30s or '40s or whenever it was, is still the

1 main brunt of our house.

2 That wood is so dried out, it's going to go  
3 up quick if there's fire. If there's a hurricane  
4 that comes through -- Mr. Murphy, he alluded to  
5 the fact that the pilings are nine (9) feet wide  
6 or nine-and-a-half (9-1/2) feet. Yes, some of  
7 them are. Some of them are actually shorter than  
8 that. But I'm not worried about that.

9 If a log comes through and takes out my  
10 house, so be it. But if a log comes through and  
11 takes out his house, and because he's so close to  
12 me, takes out mine as well, that's my problem.

13 If a fire erupts through his house, whether  
14 we got a firewall or not, and he's that close,  
15 shingles, when they burn, they fly, embers,  
16 doesn't take much to burn a house, especially one  
17 as old as our ours.

18 I grew up in this area. We went over there  
19 every summer. Montrose is different. It's not,  
20 what, District 26? Houses aren't on top of each  
21 other. It's different.

22 My parents had a house -- had a lot down on  
23 Cotton Bayou. They chose to make this our family  
24 home, our family vacation home, because it was  
25 different, because it was -- wasn't about houses  
26 on top of each other. It was about the area. It  
27 was about the specialness of that particular  
28 area.

1 And I understand that zoning and variances  
2 and what y'all do with them. Y'all are doing a  
3 lot on the bay. But Montrose is a very specific  
4 area of the bay. It's a little bit different.  
5 It always has been.

6 And that's why it's so important that we  
7 don't allow it. They can put a twenty (20) foot  
8 house by sixty-five (65) feet, I think is what  
9 they own. And that's thirteen hundred (1,300)  
10 square feet. That way he could have a two  
11 thousand, six hundred (2,600) square foot house.  
12 What do you want?

13 I mean, I think the house I live in is  
14 twenty-nine hundred (2,900) square feet. Go  
15 another five (5) feet back, and you're bigger  
16 than the house I've got. It doesn't require a  
17 variance to put a nice house.

18 Is it going to be the exact house that they  
19 want? Apparently not. But that's not what this  
20 is about. It's not about what they want. It's  
21 about what will fit.

22 And I get the values, and I get the money and  
23 I get all that. I just don't care. I want to  
24 preserve this area so my kids can play there and  
25 my grand kids can play there and not lose the  
26 house because of something stupid that should  
27 never have happened in the first place. Because  
28 there are laws against it.

1 I mean, I don't know what else to say. I  
2 don't know why we're here again. This is the  
3 third time. Nothing's really changed.  
4 Apparently, we've got this -- this because the --  
5 the mean high tide line wasn't there.

6 Well, if that's the only reason we're here  
7 again, then the mean high tide line, they could  
8 put a house. There's no hardship. They could  
9 put a smaller house. There's no hardship.

10 If the only reason we're here is for a  
11 hardship, why are we here for the third time? I  
12 mean, is it just because we can't have enough  
13 support here today because of Columbus Day and  
14 half the people are out of town, that we had to  
15 keep going and coming back and coming back until  
16 y'all get so frustrated y'all just, what, approve  
17 it so y'all are done with it?

18 Do you -- are we just going keep doing this  
19 every month, or are we going to actually get a  
20 decision that is the right decision that you've  
21 made twice already?

22 I don't understand it. And I'm sorry I'm  
23 frustrated. It's not with y'all. It's with the  
24 situation. But we -- I don't like to get  
25 emotional. I hate it. It's not something I do.  
26 Ask my sister and mom. But this is important to  
27 me.

28 And this the third time, you know. And each

1 time we come back and it's the same thing, but  
2 the only difference is now they have more  
3 information. And they're just going to try to --  
4 you know, throw the same thing up there, again,  
5 and get a different thing.

6 What happens when I can't be here or nobody  
7 can be here? Hell, there's only, what, six or  
8 eight of us here now? We had about twenty (20)  
9 or thirty (30) people here last time.

10 Please stay with the decision that y'all have  
11 already made and deny this variance. I know  
12 there's -- like you pointed out, it's an  
13 expensive lot, but houses can be built on it,  
14 just not the houses they want. And that's what  
15 it comes down to.

16 BOARD OF ADJUSTMENT CHAIRMAN BRANDON

17 BIAS: Any questions for Mr. Healy?

18 BOARD OF ADJUSTMENT MEMBER MICHAEL

19 COCHRAN: None.

20 BOARD OF ADJUSTMENT CHAIRMAN BRANDON

21 BIAS: Thank you, sir.

22 MR. WILLIAM HEALY, JR.: Yes, sir.

23 BOARD OF ADJUSTMENT CHAIRMAN BRANDON

24 BIAS: Next speaker is Gwendolyn Healy.

25 MS. GWENDOLYN HEALY: I pass.

26 BOARD OF ADJUSTMENT CHAIRMAN BRANDON

27 BIAS: Is there any -- okay. Thank you. Next  
28 speaker is John Allen.

1 MR. JOHN ALLEN: Thank y'all for letting  
2 me come back to talk. I just wanted to say that  
3 through this process, it's been educational and  
4 constantly looking at every viewpoint, if I put  
5 myself in other's shoes.

6 I think there's been good points. But I  
7 think we all must be honest with ourselves when  
8 we look at this lot, that there is an  
9 irregularity to it. That has been the basis of  
10 them submitting a house plan. I guess the  
11 question that we keep circling around is how big  
12 a house -- should a house --

13 BOARD OF ADJUSTMENT CHAIRMAN BRANDON  
14 BIAS: Mr. Allen, can you address the Board,  
15 please, and not the audience.

16 MR. JOHN ALLEN: Yes, sir. I apologize.  
17 We keep addressing and making a circle about how  
18 big a house should be.

19 So the first meeting, there needed to be more  
20 information. The second meeting, y'all made the  
21 decision off of a twenty-five (25) foot lot  
22 house, saying -- and there was points brought up  
23 that this would be a good size house.

24 If you look at the plot, where it shows the  
25 twenty (20) foot increments on there, a  
26 twenty-five (25) foot house, as I start from the  
27 road going towards the water and the length of  
28 the house submitted the last time, you'd have to

1 ask for a variance on any spot on this if you  
2 stuck with a twenty-five (25) foot lot house.

3 Point's been made this time, let's decrease  
4 the width of the house and make it a  
5 twenty-four-and-a-half (24-1/2) foot wide house.

6 The other things we brought up, you know, the  
7 code states -- does in the County, that you need  
8 at least ten (10) foot from houses. These right  
9 here would comply to that. It wouldn't be that  
10 they would have to have a firewall, but we  
11 volunteered to do that.

12 Just all in all, I'm sure it's a hard  
13 decision for people -- for y'all to make. But I  
14 think, you know, it's been proven that this lot  
15 is on the merit of an irregular shape lot. On  
16 this proposal, the size of footprint was  
17 decreased for this meeting as well.

18 BOARD OF ADJUSTMENT CHAIRMAN BRANDON  
19 BIAS: Any questions for Mr. Allen?

20 BOARD OF ADJUSTMENT MEMBER MICHAEL  
21 COCHRAN: No.

22 BOARD OF ADJUSTMENT MEMBER MARY HOPE:  
23 (Indicates negatively.)

24 BOARD OF ADJUSTMENT CHAIRMAN BRANDON  
25 BIAS: Thank you, sir.

26 MR. JOHN ALLEN: Thank you.

27 BOARD OF ADJUSTMENT CHAIRMAN BRANDON  
28 BIAS: Y'all have any questions you want to bring



1 the applicant back up for?

2 BOARD OF ADJUSTMENT MEMBER MICHAEL

3 COCHRAN: No, I don't think so.

4 BOARD OF ADJUSTMENT MEMBER MARY HOPE:

5 (Indicates negatively.)

6 BOARD OF ADJUSTMENT CHAIRMAN BRANDON

7 BIAS: With that, we will close the public  
8 hearing.

9 Staff, any additional comments that you want  
10 to make?

11 MS. LINDA LEE: First off, question.  
12 Because earlier you did say you wanted Mr. Murphy  
13 to come up. You don't want him after all?

14 BOARD OF ADJUSTMENT CHAIRMAN BRANDON  
15 BIAS: No, I think we got it. I think we're  
16 clear on that.

17 MS. LINDA LEE: All right. Just wanted  
18 to be sure.

19 All right. I do have a couple of things to  
20 say. First of all, everyone is entitled to their  
21 opinion, and that doesn't make your opinion fact;  
22 okay?

23 So, naturally, it's Mr. Koby's opinion that  
24 they could build a house down there. That does  
25 not mean that they have to build it where he  
26 thinks they should build.

27 The zoning ordinance provides a setback in a  
28 VE Flood Zone to the minimum, but the zoning

1 ordinance does not force anyone to build in VE  
2 Flood Zone. It just states your minimum setback  
3 that you have to be from the reach of the mean  
4 high tide.

5 The lot, in staff's opinion, because I  
6 believe the question was asked, how could staff  
7 recommend approval? It's narrow. The zoning  
8 ordinance requires, if someone were to subdivide  
9 a lot today, an eighty (80) foot wide lot at the  
10 building line.

11 These lots are almost half that at the -- at  
12 the building line. So, as stated in staff's  
13 opinion, that that is a hardship on this land,  
14 because of the narrowness of the lot.

15 It is not staff's responsibility, position,  
16 whichever, to dictate to someone the width of  
17 their house or the size. But in making our  
18 recommendations -- Because we have in the past  
19 recommended denial if we thought that what they  
20 were requesting was a larger than a reasonable  
21 size house.

22 I think, if you all recall, just at the last  
23 meeting, a lady was asking for basically a two  
24 (2) foot variance, but she was wanting to build  
25 forty-six (46) foot wide house, and we said  
26 forty-five (45) feet was reasonable.

27 So, in my opinion, thirty (30) feet or less  
28 is definitely, you know, a reasonable size house.

1 I don't think you have to force someone to go  
2 down to a size that someone else thinks may fit  
3 just because that's what they think it will fit.

4 The zoning ordinance does not state that. It  
5 states the narrowness of the property. And this  
6 property is narrow as compared to the zoning  
7 requirements for that size lot -- I'm sorry for  
8 that zoning, RSF-2.

9 I will state that, I think, Mr. Murphy  
10 commented that what they're proposing was a given  
11 in District 26. As you all know, this is two  
12 different districts. Different districts have  
13 their own local provisions.

14 The Advisory Committee for District 26 at  
15 that time chose to put some relief in here for  
16 fifty (50) foot wide lots. Planning District 16,  
17 we don't make that provision.

18 So, yes, we sometimes tell people that is  
19 allowed in a different district, but each lot, as  
20 always, is heard on it's own merits.

21 And I say that because there was comments  
22 made concerning the lots to the north and  
23 variances that were denied.

24 I'm trying to get to the picture. I'm not  
25 sure which of these lots is Mr. Sakellarides', if  
26 I say it correctly. But I do know that he said  
27 his lot was fifty (50) feet wide.

28 The variance I was asked about on the

1 Bodiford property, which is to the north of him  
2 that he spoke on, was denied in 2015. The motion  
3 was to approve it, the motion was made by  
4 Mr. Tolbert. There was a second from Mr. Bragg.  
5 The vote was two-to-one. And that is why it was  
6 failed. There was three (3) people in  
7 attendance. It took three (3) to approve a  
8 variance. So the vote was two-to-one.

9 And I'm only saying that just so people can  
10 understand that just because someone was denied  
11 doesn't mean that the motion was to deny it or  
12 that the whole Board voted to deny it. It failed  
13 on a vote two to approve and one to deny.

14 AN AUDIENCE MEMBER: But it was denied.

15 MS. LINDA LEE: I understand that, sir.  
16 I was just explaining how it happened. Because  
17 sometimes if you don't give the facts exactly as  
18 it happened, it could be a little bit misleading.  
19 That's all I was explaining.

20 And Mr. Sakellarides spoke at that variance.  
21 And he spoke against the variance. So I'm just  
22 making you all aware of the facts from that case  
23 as the minutes states.

24 So, anyway, as far as the width between  
25 structures, according to the building official,  
26 the building code, based on the fire code  
27 requires, ten (10) feet between structures.  
28 That's the building code. So if you're an area

1 that's un-zoned, the building code is only that's  
2 going to require you to be ten (10) feet of  
3 distance -- separate. And I think these all meet  
4 that ten (10) feet.

5 The zoning ordinance does have -- in District  
6 26, we require thirteen (13) feet of separation,  
7 but the building code only requires ten (10)  
8 feet.

9 And if it's less than five (5) feet to a  
10 property line, then that's when they sometimes  
11 will require fire protection, depending on, I  
12 think, the windows and what-have-you on that  
13 side.

14 I'm not trying to persuade you all in either  
15 direction. Sometimes I just want to get the  
16 facts out there, make sure everybody's aware of,  
17 you know, what happened when, and explain staff's  
18 position as to why staff recommended approval,  
19 because the question was asked.

20 Staff feels that this is a narrow lot. It  
21 meets the hardship requirements. And that is why  
22 staff made that recommendation.

23 As to the question as to how many times this  
24 will come back, an applicant can only be granted  
25 one rehearing on a property. So this will be the  
26 last meeting, unless it goes to court. Because  
27 anyone aggrieved by the decision of this Board  
28 does have the right appeal to circuit court.

1 BOARD OF ADJUSTMENT CHAIRMAN BRANDON

2 BIAS: Any other comments, Linda?

3 MS. LINDA LEE: That's it for me.

4 BOARD OF ADJUSTMENT MEMBER MICHAEL

5 COCHRAN: Thank you.

6 BOARD OF ADJUSTMENT CHAIRMAN BRANDON

7 BIAS: Any discussion among the Board?

8 BOARD OF ADJUSTMENT MEMBER MICHAEL

9 COCHRAN: No.

10 BOARD OF ADJUSTMENT CHAIRMAN BRANDON

11 BIAS: I'll entertain a motion.

12 BOARD MEMBER MICHAEL COCHRAN: I make a  
13 motion that we approve the variance.

14 BOARD OF ADJUSTMENT CHAIRMAN BRANDON

15 BIAS: Second?

16 MS. LINDA LEE: I'm sorry. Do you  
17 second it? Are you asking for a second, or did  
18 you second?

19 BOARD OF ADJUSTMENT CHAIRMAN BRANDON

20 BIAS: I was asking for a second.

21 MS. LINDA LEE: Okay.

22 BOARD OF ADJUSTMENT CHAIRMAN BRANDON

23 BIAS: I suppose I will second it.

24 MS. LINDA LEE: Ms. Hope?

25 BOARD OF ADJUSTMENT MEMBER MARY HOPE:  
26 (Indicates negatively.)

27 BOARD OF ADJUSTMENT CHAIRMAN BRANDON

28 BIAS: And, for clarity, this is for approval.

1 MS. LINDA LEE: The motion is to  
2 approve. And I need you to, please, speak into  
3 the mic and tell us your vote.

4 BOARD OF ADJUSTMENT MEMBER MARY HOPE:  
5 No.

6 MS. LINDA LEE: No. Mr. Cochran.

7 BOARD OF ADJUSTMENT MEMBER MICHAEL  
8 COCHRAN: Yes.

9 MS. LINDA LEE: Mr. Bias.

10 BOARD OF ADJUSTMENT CHAIRMAN BRANDON  
11 BIAS: No.

12 MS. LINDA LEE: No. Okay.

13 BOARD OF ADJUSTMENT CHAIRMAN BRANDON  
14 BIAS: Correct, no.

15 MS. LINDA LEE: All right. So this  
16 motion fails on a vote two against one in favor.

17 And I will state, again, just for the record,  
18 any party aggrieved by the final decision of the  
19 Board may, within fifteen (15) days after the  
20 decision made, file an appeal to the Circuit  
21 Court of Baldwin County and to the Baldwin County  
22 Planning and Zoning Department on behalf of the  
23 Board of Adjustment for Baldwin County Commission  
24 District 2.

25

26 **5-C - CASE NO. V-190040 MONTIEL FAMILY INVESTMENTS LTD**  
27 **PROPERTY**

28 MS. LINDA LEE: The next case will be

1 presented by Ms. Bates.

2 MS. CRYSTAL BATES: Case V-190040,  
3 Montiel Family Investment Property. This is a  
4 request for approval of the side yard setback  
5 variance to allow construction of single-family  
6 dwelling.

7 Subject property is located at 24179 Bay  
8 Shore Drive in Planning District 16. The subject  
9 property is zoned Residential Single-Family 2.  
10 Here is an aerial.

11 The applicant is requesting a variance from  
12 Section 4.3.5 of the Baldwin County Zoning  
13 Ordinance, as pertains to side yard setbacks,  
14 which is ten (10) feet.

15 The applicant is requesting approval to build  
16 a house five (5) foot to the northeast side  
17 property line, five (5) foot on the northwest  
18 side property line, and five-point-seven-one  
19 (5.71) on the southeast side property line, and  
20 eight-point-one-six (8.16) to the southwest side  
21 property line.

22 The reason for the variance request is the  
23 applicant would like twenty-nine-point-fifty  
24 (29.50) foot wide by sixty (60) foot long  
25 total -- total buildable footprint.

26 This is a picture of the subject property,  
27 the adjoining property to the north, the  
28 adjoining property to the south, the subdivision



1 plat.

2 Here's the survey showing the house with the  
3 fifty (50) foot from the setback of the highest  
4 tide line. Closer view of the proposed dwelling  
5 showing the setbacks. Survey without the house.  
6 Site plan for the dwelling to the south of the  
7 Allen property -- Montiel property, I'm sorry.

8 Staff recommends that Case Number V-190040,  
9 Montiel Property, be approved. I'll answer any  
10 questions you have.

11 BOARD OF ADJUSTMENT CHAIRMAN BRANDON  
12 BIAS: Questions for staff?

13 BOARD OF ADJUSTMENT MEMBER MICHAEL  
14 COCHRAN: I don't have any.

15 BOARD OF ADJUSTMENT CHAIRMAN BRANDON  
16 BIAS: All right. Thank you.

17 With that, we'll open the public hearing.  
18 The first person to speak is the applicant,  
19 Mr. Allen.

20 MR. JOHN ALLEN: Thank you. This is  
21 very similar to Mr. Murphy's application. The  
22 footprint is actually smaller. It's only about a  
23 thirty-eight hundred (3,800) square foot home,  
24 which would encompass a porch and the whole  
25 contents of the house, just like Mr. Murphy's in  
26 that footprint.

27 On the south side, toward the Koby residence,  
28 we're asking for less than two (2) feet of a

1 variance. On -- because we're at  
2 eight-point-one-six (8.16) from his property  
3 line, closer to his home. It's  
4 four-point-two-nine (4.29) feet from his side.

5 The first meeting, there was questions about  
6 Mr. Koby could look out his house, he didn't want  
7 to see us. So there's not a home in that  
8 location.

9 And if we can't build any closer to the  
10 water, due to the point less, if we're just going  
11 to say we build a forty-six (46) minus -- yeah,  
12 basically, it -- almost -- you know, it'd still  
13 be on this -- on this last case, you can't even  
14 put a twenty-five (25) foot lot house up there in  
15 the front.

16 That was point at the last meeting that y'all  
17 went off the merit that you could, that you'd  
18 still be asking for a variance. I think that,  
19 you know, the whole application process has been  
20 basically off the merit that it's an irregular  
21 shaped lot.

22 There's thirty-five (35) feet at road. And  
23 it's very -- very long, like the other ones in  
24 the neighborhood. It's consistent with some of  
25 the houses built on the street currently.

26 There is a thirty (30) foot wide home. This  
27 is actually smaller than that home being built  
28 due to the size. Basically, just asking for --

1 that on the merit of approval, just because of  
2 the irregular shape to the lot. Thank you.

3 BOARD OF ADJUSTMENT CHAIRMAN BRANDON

4 BIAS: Questions for the applicant?

5 BOARD OF ADJUSTMENT MEMBER MICHAEL

6 COCHRAN: No.

7 BOARD OF ADJUSTMENT CHAIRMAN BRANDON

8 BIAS: Thank you, sir.

9 MR. JOHN ALLEN: Thank you.

10 BOARD OF ADJUSTMENT CHAIRMAN BRANDON

11 BIAS: Next speaker is Mr. Murphy.

12 MR. PAT MURPHY: Pat Murphy. I was  
13 speaking in favor of Mr. Allen's lot.

14 You know, one thing I didn't mention when I  
15 was up here earlier, you know, regarding the VE,  
16 I spoke with both Farmers and Allstate and two  
17 different agents. And they both had policies  
18 denied over the last six (6) months trying to  
19 write in the VE Flood Zone.

20 So I know John and the opportunity that he  
21 has moving closer, he would be in the VE Flood  
22 Zone. And I know this isn't a hardship because  
23 of economics, but there are -- there are -- both  
24 Farmers and Allstate have ran into issues writing  
25 new policies in the VE Flood Zone.

26 Getting to Mr. Allen's home as he's  
27 proposing, it's offset from Mr. Koby's. It is  
28 not adjacent to it. That was one of the

1 concerns, again. And then, also, with the  
2 Healy's discussion of not having a home in front  
3 of their property, if Mr. Allen builds where  
4 Mr. Koby has proposed, up close to the water, it  
5 would obscure the view of the Healy's. When they  
6 look south, they would be staring at the front  
7 door of John's house when built in that spot.

8 So I do believe it is a hardship. That's why  
9 I applied for a hardship on the lot next to it.  
10 But I believe Mr. Allen's plan should be  
11 approved.

12 BOARD OF ADJUSTMENT CHAIRMAN BRANDON

13 BIAS: Any questions for Mr. Murphy?

14 BOARD OF ADJUSTMENT MEMBER MICHAEL

15 COCHRAN: No.

16 BOARD OF ADJUSTMENT CHAIRMAN BRANDON

17 BIAS: Thank you, sir. Next speaker is Glenda  
18 Montiel, again.

19 MS. GLENDA MONTIEL: I'd just like to  
20 say that I hope that after this vote, you will be  
21 kind enough to tell us why you voted not to  
22 approve and what your reasons are, especially  
23 considering that the administrative staff has  
24 recommended three times now that it be approved  
25 based on legitimate, lawful reasons, and also  
26 considering the comparisons that were given.

27 Because Montrose, although it is lovely  
28 village, it is still considered county. We are

1 not an incorporated city.

2 I'd like to respond -- take my time to  
3 respond to the first speaker, who may -- I'm just  
4 curious what their road frontage is.

5 BOARD OF ADJUSTMENT CHAIRMAN BRANDON  
6 BIAS: Ms. Montiel, could you please address the  
7 Board?

8 MS. GLENDA MONTIEL: I'd like -- the  
9 first speaker who was opposed to the variance  
10 mentioned that he had done -- you know, built his  
11 house, and he was only fifty (50) foot lot.

12 But there are only three lots that are fifty  
13 (50) feet plus or minus one or two feet that are  
14 bay front, that also have fifty (50) feet road  
15 frontage.

16 And these two lots, the two lots that are  
17 under consideration, each only have thirty-five  
18 (35) feet, which makes it a triangular lot. And  
19 when you start gnawing ten (10) feet out of each  
20 side of the lot, it leaves you with a very small  
21 footprint.

22 The property has never -- just for those who  
23 keep referring to it as subdivided, it was never  
24 subdivided. It was platted as lots when the Red  
25 Gully Subdivision was recorded in 1949.

26 It did have two small cottages. They were  
27 within five (5) feet of the property line, and --  
28 but that was when there were no setback

1 requirements.

2 I feel like that locating the houses in a VE  
3 Zone does create hardship for the owner and as  
4 well as because of the narrowing of the lot,  
5 decreasing your potential footprint on the lot.

6 The original people who lived there were not  
7 summer residents. They were permanent residents.  
8 They lived -- a woman and her husband moved into  
9 one cottage. Their daughter and her family lived  
10 in the other cottage. And they were permanent  
11 residents.

12 They chose to offer the property for sale at  
13 the same time and would not separate it because  
14 both families were going to move to Spanish Fort  
15 due to the age of the older couple, so that they  
16 could reside comfortably together in one home.

17 I was -- had the fortune to purchase the  
18 property. Loved it. I grew up a tenth of a mile  
19 to the north, Winding Brook.

20 And it was like coming home to me, because I  
21 used to jubilee on that beach. My parents were  
22 good friend with several of the neighbors there,  
23 the Meers, the Schneiders -- I mean, the  
24 Skinners, and several other people.

25 But that -- that has nothing to do with that,  
26 because it's very subjective. Although,  
27 subjective seems to have a place here.

28 And I want to apologize to the neighbors who,

1 except for two, for having gone in and put --  
2 putting no trespassing signs on my property, on  
3 the two lots.

4 I was advised by the supervisor of my  
5 realtors that I should get a cease and desist  
6 warrant against one of the neighbors who kept  
7 going on the property and telling people that  
8 were looking at the lots that a variance would  
9 never be issued. Well, they won, didn't they?  
10 And also telling them that the house -- a house  
11 couldn't, you know, just couldn't be built on  
12 that property.

13 Well, they were not willing to support that a  
14 nice house could be built on that property. And  
15 I do believe a larger house, even though it's not  
16 much larger, would retain the new norm of  
17 houses -- of house values in that neighborhood,  
18 because so many new houses have been built that  
19 are large, very nice, and very beautiful. And  
20 the neighborhood has really improved because of  
21 it.

22 There is one question I'd also be interested  
23 in finding out, that since Mr. Healy has  
24 complained about the variance request, how I'm  
25 betting that he really still does not want two  
26 houses sitting out in the high -- beyond the high  
27 tide line to block his view toward the south.

28 I know that 8 of 15 of the lots, and I think

1 I just said that, in the Red Gully Subdivision  
2 are fifty (50) foot bay fronts, but I'm going to  
3 reiterate that only three of them have  
4 thirty-five (35) foot road frontage and -- or in  
5 my opinion, then, subject to the request  
6 variances.

7 That's all I've got to say. Thank you.

8 BOARD OF ADJUSTMENT CHAIRMAN BRANDON

9 BIAS: Any questions for Ms. Montiel?

10 BOARD OF ADJUSTMENT MEMBER MICHAEL

11 COCHRAN: No.

12 BOARD OF ADJUSTMENT CHAIRMAN BRANDON

13 BIAS: Next speaker Mr. George, again.

14 MR. GEORGE SAKELLARIDES: George  
15 Sakellarides. The previous comments I made at  
16 the last meeting and today still stand. I  
17 haven't changed anything.

18 BOARD OF ADJUSTMENT CHAIRMAN BRANDON

19 BIAS: Thank you, sir.

20 MR. GEORGE SAKELLARIDES: I'm through.  
21 Thank you.

22 BOARD OF ADJUSTMENT MEMBER MICHAEL

23 COCHRAN: Thank you.

24 BOARD OF ADJUSTMENT CHAIRMAN BRANDON

25 BIAS: I don't think we have any questions for  
26 you. I appreciate it.

27 MR. GEORGE SAKELLARIDES: Thank you.

28 BOARD OF ADJUSTMENT CHAIRMAN BRANDON



1 BIAS: Mr. Koby, anything you'd like to add to  
2 this discussion? You're the next speaker.

3 MR. ROGER KOBY: Thank you for having me  
4 up here, again.

5 Could you pull up the -- his house plan,  
6 please?

7 MS. LINDA LEE: Which one did you say?  
8 Which one did you want me to pull up? Which  
9 house?

10 MR. ROGER KOBY: Allen's house.

11 MS. LINDA LEE: I think it's --

12 MR. ROGER KOBY: Well, the site plan,  
13 I'm sorry.

14 MS. LINDA LEE: That one.

15 MR. ROGER KOBY: That's correct.

16 MS. LINDA LEE: Okay.

17 MR. ROGER KOBY: There's -- first of  
18 all, for safety, right there, he's got five (5)  
19 foot on his north side, five-point-seven-one  
20 (5.71) foot on my side right there. There's a  
21 wooden fence right there.

22 There's nothing from preventing him from  
23 putting a wooden fence on the other side.  
24 There's -- that's not a fire lane. There's no  
25 safety there. You know, if something catches  
26 fire, the firemen aren't going to get up front.

27 The other situation is that if somebody gets  
28 hurt on the beach or in the water -- Because that

1 has happened before -- emergency vehicles are  
2 going to have a hard time getting up to the  
3 front.

4 Can we pull up the site plan of all the lots  
5 on the street? There you go.

6 So most of the lots on this street, as you  
7 can see, are tapered out the same way. They're  
8 narrower at the street, some of them are, just  
9 depending as you go up the street. You go  
10 further up there, they're all tapered up like.

11 I left some color pictures up there of the  
12 water raining on the side of my yard right there.  
13 You can see where my -- my pump is there on the  
14 side. And that's during a hard rain. And that's  
15 going to be on the north side of my property,  
16 which would be on Allen's south side.

17 There is already a severe water problem right  
18 there, and it gets pretty deep. And so the lay  
19 of the land here on Bay Shore Drive is it's a  
20 hill on the other side of the street.

21 So everything running down past all those  
22 houses and comes and dives through my property  
23 through both sides, not including what comes off  
24 of the roof.

25 Insurance is not an issue. You can buy  
26 insurance. My insurance is from Lords of London.  
27 So that's not an issue. So you can build close  
28 the water.

1 I know at one time it was -- I mean, I kind  
2 of researched this property back. It says a half  
3 of one lot. It was Lot Number 3 that we're  
4 dealing with. Half of Lot 3 is that what  
5 we're --

6 BOARD OF ADJUSTMENT CHAIRMAN BRANDON  
7 BIAS: The south half of the lot. It's right  
8 there.

9 MR. ROGER KOBY: At one time, it was 3  
10 for the whole thing.

11 I also did some research through the court  
12 system to find previous cases that have been like  
13 this. And I found one case here -- well, it says  
14 there will be no hardship found if the  
15 circumstances is linked to the individual instead  
16 of the property.

17 The applicant must show that a strict  
18 application of the zoning ordinance produces a  
19 unique or unnecessary hardship with reference to  
20 its parcel of land.

21 Notice that the hardship must be in reference  
22 to the parcel itself, not the applicant. The  
23 granting of a variance runs with the land and is  
24 not a personal license given to the landowner.

25 Accordingly, the necessary hardship which  
26 will suffice for the granting of a variance must  
27 relate to the land rather than to the owner  
28 himself.

1 In the application, he stated that he would  
2 like a twenty-nine-point-five (29.5) foot house.  
3 Well, just because you want something and you  
4 would like to have something doesn't mean that  
5 you're going to get it.

6 You can build a twenty-four-point-five (24.5)  
7 by sixty-three (63) foot long house there with no  
8 problem and no variance. Okay.

9 There will be no hardship found if the  
10 circumstances were cause by the owner himself.  
11 So you cannot assert benefit of a self-created  
12 hardship.

13 So that's -- that's basically all I have to  
14 add to this. It's pretty much the same as the  
15 last case.

16 BOARD OF ADJUSTMENT CHAIRMAN BRANDON  
17 BIAS: Any questions for Mr. Koby?

18 BOARD OF ADJUSTMENT MEMBER MICHAEL  
19 COCHRAN: No.

20 BOARD OF ADJUSTMENT CHAIRMAN BRANDON  
21 BIAS: Thank you, sir.

22 Next speaker is Monica Koby.

23 MS. MONICA KOBY: What I said earlier  
24 applies to this variance also.

25 BOARD OF ADJUSTMENT CHAIRMAN BRANDON  
26 BIAS: All right. Thank you.

27 Next is Mr. William Healy.

28 MR. WILLIAM HEALY, JR.: William Healy.

1 First, I want to thank you for denying ours. And  
2 second, I was going to address Ms. Montiel, how I  
3 feel if --

4 BOARD OF ADJUSTMENT CHAIRMAN BRANDON  
5 BIAS: Mr. Healy, do you mind addressing the  
6 Board?

7 MR. WILLIAM HEALY, JR.: I'm sorry. She  
8 asked a specific question about how I would feel  
9 about them building further out on the lot. And  
10 I wouldn't like it, but there's nothing I can do  
11 about that, because that's -- the zoning puts  
12 them in the area.

13 Where you buy a lot when you build is fine,  
14 but the zoning, that's what it's there for. So  
15 you can't do certain things. So you can't  
16 encroach on other people's property.

17 So, no, I wouldn't like it if they built  
18 further out on the property, but there's nothing  
19 I can do about that. I can do something about  
20 them encroaching on my property or my neighbor's  
21 property.

22 So that's all I wanted to say. Thanks.

23 BOARD OF ADJUSTMENT CHAIRMAN BRANDON  
24 BIAS: Thank you, sir.

25 Next speaker is, again, Gwendolyn Healy.

26 MS. GWENDOLYN HEALY: I'll pass.

27 BOARD OF ADJUSTMENT CHAIRMAN BRANDON  
28 BIAS: Thank you. Does the Board have any

1 questions for the applicant?

2 BOARD OF ADJUSTMENT MEMBER MICHAEL

3 COCHRAN: No.

4 BOARD OF ADJUSTMENT CHAIRMAN BRANDON

5 BIAS: With that, we will close the public  
6 hearing. Anymore questions or comments, staff?

7 (No response.)

8 BOARD OF ADJUSTMENT CHAIRMAN BRANDON

9 BIAS: Anything else to add?

10 MS. CRYSTAL BATES: No, sir.

11 BOARD OF ADJUSTMENT MEMBER MICHAEL

12 COCHRAN: Linda, you got anymore comments?

13 MS. LINDA LEE: (Indicates negatively.)

14 BOARD OF ADJUSTMENT MEMBER MICHAEL

15 COCHRAN: Are you going to make a motion?

16 BOARD OF ADJUSTMENT CHAIRMAN BRANDON

17 BIAS: Anybody call for a motion?

18 BOARD OF ADJUSTMENT MEMBER MICHAEL

19 COCHRAN: You want to make a motion?

20 BOARD OF ADJUSTMENT MEMBER MARY HOPE:

21 Huh-uh. (Indicates negatively.)

22 BOARD OF ADJUSTMENT MEMBER MICHAEL

23 COCHRAN: Well, who's going to do it?

24 I make a motion that we approve per the  
25 staff's recommendations.

26 BOARD OF ADJUSTMENT CHAIRMAN BRANDON

27 BIAS: I'll second.

28 MS. LINDA LEE: Ms. Hope.

1 BOARD OF ADJUSTMENT MEMBER MARY HOPE:

2 No.

3 MS. LINDA LEE: Mr. Cochran.

4 BOARD OF ADJUSTMENT MEMBER MICHAEL

5 COCHRAN: Yes.

6 MS. LINDA LEE: Mr. Bias.

7 BOARD OF ADJUSTMENT CHAIRMAN BRANDON

8 BIAS: No.

9 MS. LINDA LEE: Motion fails on vote of  
10 two to one.

11

12 **6 - OLD BUSINESS**

13 BOARD OF ADJUSTMENT CHAIRMAN BRANDON

14 BIAS: Ms. Linda, any old business for the Board?

15 MS. LINDA LEE: No, sir.

16

17 **7 - NEW BUSINESS**

18 BOARD OF ADJUSTMENT CHAIRMAN BRANDON

19 BIAS: Any new business? I think we have a  
20 meeting calendar. We need to approve those  
21 dates?

22

23 **7-A - APPROVAL OF 2020 MEETING AND DEADLINE CALENDAR**

24 MS. LINDA LEE: Correct. Give me just a  
25 moment and I'll go over it. Okay. The dates on  
26 here are your usual second Monday of each month.  
27 We do not appear to have any holidays that  
28 interfere with your meeting date. So all of them

1 will be on the second Monday of each month. And  
2 we do need a motion to -- excuse me. If you all  
3 don't mind.

4 BOARD OF ADJUSTMENT CHAIRMAN BRANDON  
5 BIAS: We still have some business to conduct  
6 here. If y'all want to take your conversation  
7 out to the lobby, please.

8 MS. LINDA LEE: Excuse us, would y'all,  
9 please -- thank you. I'm sorry. Anyway, we need  
10 a motion to approve the calendar and a second,  
11 and then you all can vote.

12 BOARD OF ADJUSTMENT MEMBER MICHAEL  
13 COCHRAN: I make a motion that we approve the  
14 calendar.

15 BOARD MEMBER MARY HOPE: I second it.

16 BOARD OF ADJUSTMENT CHAIRMAN BRANDON  
17 BIAS: All those in favor, signify by saying aye.

18 (Board Members say "aye" in unison.)

19 BOARD OF ADJUSTMENT CHAIRMAN BRANDON

20 BIAS: All opposed?

21 (No response.)

22

23 **8 - ADJOURNMENT**

24 BOARD OF ADJUSTMENT CHAIRMAN BRANDON

25 BIAS: And with that, we're adjourned.

26 MS. LINDA LEE: Thank you very much. I  
27 appreciate y'all's time.

28



1 (The Baldwin County Commission Board of Adjustment #2  
2 meeting was adjourned at 5:41 p.m.)  
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**C E R T I F I C A T E**

STATE OF ALABAMA)

BALDWIN COUNTY )

I hereby certify that the above and foregoing transcript was taken down by me in stenotype and the proceedings were transcribed by means of computer-aided transcription, and that the foregoing represents a true and correct transcript of the meeting given by said parties upon said meeting.

I further certify that I am neither of counsel nor of kin to the parties, nor am I in anywise interested in the result of said proceedings.



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SUSAN C. ANDREWS,  
Certified Court Reporter,  
Certification No. 287

C E R T I F I C A T E

I, Brandon Bias, Chairman of the Baldwin County Commission #2 Board of Adjustment, do hereby certify that the foregoing transcript of the minutes of the October 14, 2019, Monthly Meeting are a true and correct transcription of the minutes as prepared by Susan C. Andrews, Alabama Certified Court Reporter, License No. 287.

I, Brandon Bias, do hereby affix my signature on this, the 4 day of Nov., 2019.

  
\_\_\_\_\_  
Brandon Bias, Chairman,  
Baldwin County Commission #2  
Board of Adjustment

## BALDWIN COUNTY DISTRICT 2 PLANNING AND ZONING DISTRICT BOARD OF ADJUSTMENT 10/14/2019

\$	2	3,800 <sup>[1]</sup> - 65:23	6	achieve <sup>[1]</sup> - 33:5
\$20,000 <sup>[1]</sup> - 40:22 \$250,000 <sup>[1]</sup> - 40:24 \$30,000 <sup>[1]</sup> - 40:23 \$5,000 <sup>[1]</sup> - 40:25 \$500,000 <sup>[1]</sup> - 40:27 \$800,000 <sup>[1]</sup> - 38:12	2 <sup>[11]</sup> - 1:3, 3:5, 4:9, 6:24, 58:24, 63:24, 64:9, 65:28, 81:1, 83:4, 83:16 2,600 <sup>[1]</sup> - 52:11 2,900 <sup>[1]</sup> - 52:14 2.56 <sup>[1]</sup> - 10:27 20 <sup>[10]</sup> - 6:22, 11:10, 15:14, 15:26, 39:3, 47:4, 49:19, 52:7, 54:8, 55:25 2010 <sup>[1]</sup> - 25:14 2014 <sup>[1]</sup> - 6:23 2015 <sup>[2]</sup> - 26:17, 60:2 2019 <sup>[6]</sup> - 1:5, 1:13, 4:25, 5:1, 83:6, 83:12 2019)..... <sup>[1]</sup> - 3:6 2020 <sup>[2]</sup> - 3:18, 79:23 22.97 <sup>[1]</sup> - 15:3 22251 <sup>[1]</sup> - 1:14 24 <sup>[3]</sup> - 36:9, 36:10, 38:15 24-1/2 <sup>[1]</sup> - 56:5 24.5 <sup>[9]</sup> - 29:15, 31:27, 33:2, 37:3, 38:20, 42:4, 43:14, 46:14, 76:6 24.5 <sup>[3]</sup> - 36:12, 36:14, 37:11 24179 <sup>[1]</sup> - 64:7 24181 <sup>[1]</sup> - 9:27 24255 <sup>[1]</sup> - 25:13 25 <sup>[8]</sup> - 32:2, 39:12, 39:14, 44:25, 55:21, 55:26, 56:2, 66:14 26 <sup>[12]</sup> - 2:5, 2:6, 6:12, 16:12, 16:18, 17:13, 19:1, 21:8, 51:20, 59:11, 59:14, 61:6 287 <sup>[3]</sup> - 1:16, 82:23, 83:10 29-1/2 <sup>[1]</sup> - 17:10 29.5 <sup>[2]</sup> - 46:10, 76:2 29.50 <sup>[1]</sup> - 64:24 29.6 <sup>[1]</sup> - 14:4 29.67 <sup>[1]</sup> - 14:14	30 <sup>[11]</sup> - 15:11, 27:10, 27:20, 33:4, 36:20, 38:27, 39:3, 47:18, 54:9, 58:27, 66:26 30.53 <sup>[1]</sup> - 14:13 35 <sup>[5]</sup> - 10:6, 36:19, 66:22, 69:18, 72:4 37 <sup>[1]</sup> - 17:2 39 <sup>[1]</sup> - 49:26	6 <sup>[6]</sup> - 3:10, 3:11, 3:16, 32:6, 67:18, 79:12 60 <sup>[3]</sup> - 39:6, 43:15, 64:24 60)foot <sup>[1]</sup> - 31:28 63 <sup>[3]</sup> - 3:15, 31:27, 76:7 65 <sup>[3]</sup> - 46:11, 46:14, 52:8	add <sup>[4]</sup> - 39:3, 73:1, 76:14, 78:9 added <sup>[1]</sup> - 11:10 additional <sup>[3]</sup> - 6:25, 8:10, 57:9 additionally <sup>[2]</sup> - 34:3, 47:6 Address <sup>[1]</sup> - 3:8 ADDRESS <sup>[1]</sup> - 5:16 address <sup>[5]</sup> - 16:24, 17:16, 55:14, 69:6, 77:2 addressed <sup>[2]</sup> - 24:7, 24:13 addressing <sup>[2]</sup> - 55:17, 77:5 adhere <sup>[1]</sup> - 34:10 adhering <sup>[1]</sup> - 34:13 adjacent <sup>[6]</sup> - 23:20, 29:17, 29:24, 30:11, 46:21, 67:28 adjoining <sup>[6]</sup> - 6:28, 7:1, 10:3, 10:4, 64:27, 64:28 adjourned <sup>[2]</sup> - 80:25, 81:2 ADJOURNMENT <sup>[1]</sup> - 80:23 Adjournment..... ..... <sup>[1]</sup> - 3:20 ADJUSTMENT <sup>[183]</sup> - 1:4, 2:3, 4:4, 4:11, 4:14, 4:17, 4:21, 4:26, 5:2, 5:5, 5:7, 5:10, 5:13, 5:17, 5:18, 6:7, 7:12, 7:15, 7:22, 7:24, 7:26, 7:28, 8:4, 8:8, 8:14, 8:18, 8:20, 8:24, 8:27, 9:2, 9:5, 9:8, 9:13, 11:17, 11:25, 12:6, 12:16, 13:3, 13:6, 13:10, 13:14, 13:17, 13:19, 13:24, 13:27, 14:12, 14:19, 14:26, 15:4, 15:12, 15:16, 15:20, 16:1, 16:4, 21:16, 21:18, 21:20, 21:22, 21:25, 24:17, 24:19, 24:22, 24:25, 24:27, 25:5, 25:23, 26:3, 27:6, 27:28, 28:2, 28:10, 28:17, 28:21, 28:26, 29:4, 29:6, 29:8, 29:10, 29:22, 29:27, 30:2, 30:8, 31:13, 34:24, 34:26, 35:2, 35:5, 36:6, 36:13,
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'30s <sup>[1]</sup> - 50:28 '40s <sup>[1]</sup> - 50:28 '50s <sup>[1]</sup> - 40:21		4 <sup>[8]</sup> - 3:4, 3:5, 3:6, 3:8, 5:16, 20:10, 20:17, 47:9 4,000 <sup>[3]</sup> - 49:24, 49:25, 50:13 4,500 <sup>[1]</sup> - 45:3 4.08 <sup>[1]</sup> - 10:24 4.29 <sup>[1]</sup> - 66:4 4.3.5 <sup>[1]</sup> - 64:12 40 <sup>[1]</sup> - 27:23 40.61 <sup>[1]</sup> - 11:3 400 <sup>[1]</sup> - 29:1 42.97 <sup>[2]</sup> - 11:5, 14:25 45 <sup>[2]</sup> - 27:14, 58:26 46 <sup>[2]</sup> - 58:25, 66:11 46.30 <sup>[1]</sup> - 27:23 49 <sup>[3]</sup> - 10:7, 40:3, 49:27	7 <sup>[3]</sup> - 3:17, 47:9, 79:17 7-A <sup>[2]</sup> - 3:18, 79:23 7.44 <sup>[1]</sup> - 10:25 733 <sup>[1]</sup> - 16:24 79 <sup>[3]</sup> - 3:16, 3:17, 3:19	
1		5	8	
1 <sup>[6]</sup> - 3:4, 4:3, 6:12, 7:8, 36:27, 40:13 1,300 <sup>[1]</sup> - 52:9 1,544 <sup>[1]</sup> - 31:12 1,544 <sup>[1]</sup> - 31:14 1,566 <sup>[1]</sup> - 31:10 1,592 <sup>[1]</sup> - 31:9 1-1/2 <sup>[1]</sup> - 26:19 10 <sup>[13]</sup> - 15:1, 27:12, 32:4, 47:2, 47:6, 47:13, 56:8, 60:27, 61:2, 61:4, 61:7, 64:14, 69:19 10% <sup>[1]</sup> - 17:23 100 <sup>[1]</sup> - 40:5 100% <sup>[1]</sup> - 18:10 12 <sup>[1]</sup> - 6:21 12059 <sup>[1]</sup> - 6:12 13 <sup>[8]</sup> - 16:21, 17:4, 18:26, 20:4, 20:12, 21:13, 50:23, 61:6 137 <sup>[1]</sup> - 16:24 14 <sup>[2]</sup> - 1:5, 83:6 14th <sup>[1]</sup> - 1:13 14x14 <sup>[1]</sup> - 38:14 15 <sup>[4]</sup> - 2:4, 47:2, 63:19, 71:28 15% <sup>[1]</sup> - 17:24 16 <sup>[3]</sup> - 9:28, 59:16, 64:8 16,307 <sup>[1]</sup> - 10:10 17 <sup>[2]</sup> - 50:4, 50:7 18 <sup>[1]</sup> - 6:19 18.6.2 <sup>[2]</sup> - 18:13, 33:13 1949 <sup>[3]</sup> - 22:15, 23:5, 69:25 1993 <sup>[2]</sup> - 22:14, 23:6			8 <sup>[3]</sup> - 3:20, 71:28, 80:23 8.16 <sup>[2]</sup> - 64:20, 66:2 80 <sup>[3]</sup> - 3:20, 10:12, 58:9 80% <sup>[2]</sup> - 40:12, 40:15	
		9	A	
		5 <sup>[14]</sup> - 3:8, 3:9, 6:4, 10:28, 11:1, 19:4, 19:6, 26:7, 52:15, 61:9, 64:16, 64:17, 69:27, 73:18 5-1/2 <sup>[2]</sup> - 18:2, 50:21 5-A <sup>[2]</sup> - 3:11, 6:6 5-B <sup>[2]</sup> - 3:12, 9:11 5-C <sup>[2]</sup> - 3:14, 63:26 5.71 <sup>[2]</sup> - 64:19, 73:20 5.92 <sup>[1]</sup> - 10:22 50 <sup>[30]</sup> - 11:8, 12:2, 12:10, 12:13, 16:26, 16:27, 26:6, 27:13, 28:24, 28:27, 28:28, 30:28, 31:23, 32:1, 32:3, 32:8, 38:23, 38:25, 38:26, 39:4, 40:26, 41:26, 45:4, 59:16, 59:27, 65:3, 69:11, 69:13, 69:14, 72:2 50 <sup>[1]</sup> - 27:15 5:41 <sup>[1]</sup> - 81:2	9 <sup>[5]</sup> - 3:6, 3:13, 4:24, 20:10, 51:5 9-1/2 <sup>[1]</sup> - 51:6 90 <sup>[1]</sup> - 40:8 90% <sup>[1]</sup> - 40:11 98 <sup>[1]</sup> - 16:25 9th <sup>[1]</sup> - 4:28	able <sup>[2]</sup> - 20:7, 44:23 absorbed <sup>[1]</sup> - 18:6 accept <sup>[2]</sup> - 5:3, 8:16 access <sup>[1]</sup> - 33:25 accommodate <sup>[1]</sup> - 16:20 accommodated <sup>[1]</sup> - 20:21 according <sup>[4]</sup> - 10:5, 30:27, 46:13, 60:25 accordingly <sup>[1]</sup> - 75:25 accurately <sup>[1]</sup> - 36:2

## BALDWIN COUNTY DISTRICT 2 PLANNING AND ZONING DISTRICT BOARD OF ADJUSTMENT 10/14/2019

37:9, 37:17, 38:8, 39:1, 39:23, 40:10, 41:9, 41:14, 41:22, 42:9, 43:9, 43:17, 43:19, 43:21, 43:23, 48:21, 48:23, 48:25, 48:27, 54:16, 54:18, 54:20, 54:23, 54:26, 55:13, 56:18, 56:20, 56:22, 56:24, 56:27, 57:2, 57:4, 57:6, 57:14, 62:1, 62:4, 62:6, 62:8, 62:10, 62:14, 62:19, 62:22, 62:25, 62:27, 63:4, 63:7, 63:10, 63:13, 65:11, 65:13, 65:15, 67:3, 67:5, 67:7, 67:10, 68:12, 68:14, 68:16, 69:5, 72:8, 72:10, 72:12, 72:18, 72:22, 72:24, 72:28, 75:6, 76:16, 76:18, 76:20, 76:25, 77:4, 77:23, 77:27, 78:2, 78:4, 78:8, 78:11, 78:14, 78:16, 78:18, 78:20, 78:22, 78:26, 79:1, 79:4, 79:7, 79:13, 79:18, 80:4, 80:12, 80:16, 80:19, 80:24 <b>adjustment</b> [1] - 22:7 <b>Adjustment</b> [6] - 22:18, 34:22, 63:23, 81:1, 83:4, 83:16 <b>Adjustment.....</b> [1] - 3:8 <b>administrative</b> [3] - 22:12, 22:26, 68:23 <b>adopted</b> [2] - 10:17, 16:18 <b>advantage</b> [1] - 49:16 <b>advised</b> [1] - 71:4 <b>Advisory</b> [1] - 59:14 <b>AE</b> [3] - 12:18, 12:25 <b>aerial</b> [2] - 10:1, 64:10 <b>affect</b> [1] - 30:5 <b>affirmatively</b> [1] - 26:4 <b>affix</b> [1] - 83:11 <b>afternoon</b> [1] - 43:25 <b>age</b> [1] - 70:15 <b>agenda</b> [1] - 45:12 <b>agents</b> [1] - 67:17 <b>aggrieved</b> [2] - 61:27, 63:18 <b>ago</b> [5] - 17:2, 17:22, 19:17, 26:11, 33:6 <b>agree</b> [4] - 24:6, 37:2, 47:19, 49:12	<b>agreed</b> [1] - 19:1 <b>ahead</b> [1] - 4:5 <b>aided</b> [1] - 82:9 <b>air</b> [1] - 23:19 <b>Alabama</b> [2] - 1:15, 83:9 <b>ALABAMA</b> [1] - 82:3 <b>ALLEN</b> [5] - 55:1, 55:16, 56:26, 65:20, 67:9 <b>Allen</b> [7] - 20:25, 54:28, 55:14, 56:19, 65:7, 65:19, 68:3 <b>Allen's</b> [6] - 46:8, 67:13, 67:26, 68:10, 73:10, 74:16 <b>allow</b> [9] - 6:16, 9:16, 16:22, 19:11, 22:8, 45:21, 45:28, 52:7, 64:5 <b>allowed</b> [1] - 59:19 <b>allows</b> [2] - 16:21, 45:23 <b>Allstate</b> [2] - 67:16, 67:24 <b>alluded</b> [1] - 51:4 <b>almost</b> [4] - 20:17, 27:16, 58:11, 66:12 <b>AN</b> [1] - 60:14 <b>analyze</b> [1] - 41:25 <b>AND</b> [3] - 2:7, 6:4, 79:23 <b>ANDREWS</b> [1] - 82:21 <b>Andrews</b> [2] - 1:16, 83:8 <b>Annex</b> [1] - 1:14 <b>announcement</b> [1] - 5:21 <b>announcements</b> [1] - 5:19 <b>Announcements/</b> <b>Registration</b> [1] - 3:8 <b>ANNOUNCEMENTS/</b> <b>REGISTRATION</b> [1] - 5:16 <b>answer</b> [6] - 6:3, 7:10, 11:15, 14:1, 21:14, 65:9 <b>anyway</b> [2] - 60:24, 80:9 <b>anywise</b> [1] - 82:15 <b>apart</b> [2] - 20:4, 20:10 <b>apologize</b> [5] - 25:1, 30:10, 30:18, 55:16, 70:28 <b>appeal</b> [2] - 61:28, 63:20 <b>appear</b> [1] - 79:27 <b>appearance</b> [1] - 26:23	<b>applicant</b> [25] - 6:15, 6:18, 7:23, 9:15, 9:22, 9:24, 10:21, 15:8, 16:8, 18:19, 21:17, 33:16, 35:7, 46:6, 46:10, 57:1, 61:24, 64:11, 64:15, 64:23, 65:18, 67:4, 75:17, 75:22, 78:1 <b>applicant's</b> [2] - 44:24, 46:24 <b>applicants</b> [1] - 23:1 <b>application</b> [12] - 18:13, 18:17, 20:21, 33:14, 44:24, 45:20, 46:8, 46:25, 65:21, 66:19, 75:18, 76:1 <b>applications</b> [2] - 22:20, 22:23 <b>Applications</b> [1] - 3:9 <b>APPLICATIONS</b> [1] - 6:4 <b>applied</b> [2] - 21:13, 68:9 <b>applies</b> [1] - 76:24 <b>apply</b> [1] - 21:10 <b>appointed</b> [1] - 22:19 <b>appraised</b> [1] - 39:21 <b>appraising</b> [1] - 36:18 <b>appreciate</b> [2] - 72:26, 80:27 <b>approaches</b> [1] - 45:9 <b>APPROVAL</b> [2] - 4:24, 79:23 <b>Approval</b> [3] - 3:6, 3:18, 33:13 <b>approval</b> [15] - 4:27, 6:25, 11:14, 13:13, 18:14, 22:25, 23:2, 23:3, 30:14, 58:7, 61:18, 62:28, 64:4, 64:15, 67:1 <b>approvals</b> [1] - 7:5 <b>approve</b> [13] - 23:3, 23:10, 53:16, 60:3, 60:7, 60:13, 62:13, 63:2, 68:22, 78:24, 79:20, 80:10, 80:13 <b>approved</b> [10] - 5:14, 6:22, 7:10, 17:12, 18:16, 18:26, 21:2, 65:9, 68:11, 68:24 <b>Approved</b> [2] - 3:7, 3:11 <b>approving</b> [1] - 17:22 <b>approximate</b> [1] - 10:9 <b>area</b> [15] - 7:6, 26:13, 26:23, 32:25, 33:26, 44:26, 45:11, 45:16, 51:18, 51:26, 51:28,	52:4, 52:24, 60:28, 77:12 <b>areas</b> [1] - 40:25 <b>argue</b> [1] - 47:19 <b>argument</b> [1] - 27:24 <b>arguments</b> [1] - 48:1 <b>arose</b> [1] - 30:20 <b>arrive</b> [2] - 36:7, 36:15 <b>assert</b> [1] - 76:11 <b>assume</b> [1] - 47:3 <b>attendance</b> [1] - 60:7 <b>audience</b> [1] - 55:15 <b>AUDIENCE</b> [1] - 60:14 <b>Auditorium</b> [1] - 1:14 <b>August</b> [3] - 9:20, 13:8, 43:7 <b>aware</b> [3] - 9:20, 60:22, 61:16 <b>aye</b> [4] - 5:8, 5:9, 80:17, 80:18  <b>B</b>  <b>bad</b> [1] - 32:26 <b>balanced</b> [1] - 22:3 <b>BALDWIN</b> [3] - 1:3, 2:7, 82:4 <b>Baldwin</b> [14] - 1:13, 16:14, 24:2, 33:12, 33:21, 34:11, 34:19, 63:21, 63:23, 64:12, 81:1, 83:3, 83:16 <b>based</b> [8] - 9:23, 11:13, 12:21, 13:1, 18:19, 33:17, 60:26, 68:25 <b>basic</b> [1] - 35:28 <b>basing</b> [1] - 26:21 <b>basis</b> [1] - 55:9 <b>BATES</b> [2] - 64:2, 78:10 <b>Bates</b> [2] - 2:10, 64:1 <b>bathroom</b> [2] - 6:24, 38:17 <b>bay</b> [9] - 38:21, 39:22, 40:13, 40:19, 50:9, 52:3, 52:4, 69:14, 72:2 <b>Bay</b> [4] - 9:27, 25:13, 64:7, 74:19 <b>Bayou</b> [1] - 51:23 <b>beach</b> [3] - 33:26, 70:21, 73:28 <b>beautiful</b> [2] - 23:16, 71:19 <b>bedroom</b> [4] - 38:16, 39:17, 50:2 <b>bedrooms</b> [2] - 38:11, 39:19	<b>BEFORE</b> [1] - 1:2 <b>behalf</b> [1] - 63:22 <b>behind</b> [4] - 30:28, 31:24, 39:13, 39:16 <b>believes</b> [1] - 47:22 <b>benefit</b> [2] - 30:15, 76:11 <b>best</b> [1] - 49:16 <b>better</b> [2] - 32:18, 42:22 <b>betting</b> [1] - 71:25 <b>between</b> [15] - 12:18, 16:22, 17:4, 18:27, 20:4, 20:7, 20:8, 20:13, 20:15, 41:13, 43:12, 47:8, 50:19, 60:24, 60:27 <b>beyond</b> [1] - 71:26 <b>BIAS</b> [102] - 4:5, 4:12, 4:22, 4:27, 5:8, 5:11, 5:14, 5:19, 6:8, 7:13, 7:16, 7:23, 8:1, 8:5, 8:9, 8:21, 8:25, 9:6, 9:9, 9:14, 12:17, 13:4, 13:7, 13:11, 13:15, 13:18, 16:2, 16:5, 21:17, 21:23, 21:26, 24:18, 24:23, 24:28, 25:6, 26:4, 28:1, 28:22, 28:27, 29:5, 29:11, 29:23, 29:28, 30:9, 31:14, 34:25, 35:3, 35:6, 43:20, 43:24, 48:22, 48:28, 54:17, 54:21, 54:24, 54:27, 55:14, 56:19, 56:25, 56:28, 57:7, 57:15, 62:2, 62:7, 62:11, 62:15, 62:20, 62:23, 62:28, 63:11, 63:14, 65:12, 65:16, 67:4, 67:8, 67:11, 68:13, 68:17, 69:6, 72:9, 72:13, 72:19, 72:25, 73:1, 75:7, 76:17, 76:21, 76:26, 77:5, 77:24, 77:28, 78:5, 78:9, 78:17, 78:27, 79:8, 79:14, 79:19, 80:5, 80:17, 80:20, 80:25 <b>bias</b> [1] - 63:9 <b>Bias</b> [7] - 2:4, 4:10, 9:4, 79:6, 83:3, 83:11, 83:15 <b>big</b> [11] - 20:19, 25:17, 25:26, 27:3, 36:22, 38:4, 38:5, 38:6, 50:12, 55:11, 55:18 <b>bigger</b> [6] - 11:22,
--	--	---	---	---

## BALDWIN COUNTY DISTRICT 2 PLANNING AND ZONING DISTRICT BOARD OF ADJUSTMENT 10/14/2019

<p>27:27, 28:16, 34:18, 45:9, 52:15</p> <p><b>bit</b> [3] - 12:17, 52:4, 60:18</p> <p><b>block</b> [1] - 71:27</p> <p><b>Bluffs</b> [1] - 37:1</p> <p><b>Board</b> [29] - 3:8, 9:21, 9:25, 11:11, 22:17, 30:18, 30:22, 30:24, 31:7, 32:10, 32:12, 34:22, 47:22, 47:27, 48:17, 55:14, 60:12, 61:27, 62:7, 63:19, 63:23, 69:7, 77:6, 77:28, 79:14, 80:18, 81:1, 83:4, 83:16</p> <p><b>board</b> [3] - 5:19, 24:23, 46:16</p> <p><b>BOARD</b> [187] - 1:4, 2:3, 4:4, 4:11, 4:14, 4:17, 4:21, 4:26, 5:2, 5:5, 5:7, 5:10, 5:13, 5:16, 5:18, 6:7, 7:12, 7:15, 7:22, 7:24, 7:26, 7:28, 8:4, 8:8, 8:14, 8:18, 8:20, 8:24, 8:27, 9:2, 9:5, 9:8, 9:13, 11:17, 11:25, 12:6, 12:16, 13:3, 13:6, 13:10, 13:14, 13:17, 13:19, 13:24, 13:27, 14:12, 14:19, 14:26, 15:4, 15:12, 15:16, 15:20, 16:1, 16:4, 21:16, 21:18, 21:20, 21:22, 21:25, 24:17, 24:19, 24:22, 24:25, 24:27, 25:5, 25:15, 25:23, 26:3, 27:6, 27:28, 28:2, 28:10, 28:17, 28:21, 28:26, 29:4, 29:6, 29:8, 29:10, 29:22, 29:27, 30:2, 30:8, 31:13, 34:24, 34:26, 35:2, 35:5, 36:6, 36:13, 37:9, 37:17, 38:8, 39:1, 39:23, 40:10, 41:9, 41:14, 41:22, 42:9, 42:25, 43:9, 43:17, 43:19, 43:21, 43:23, 48:21, 48:23, 48:25, 48:27, 54:16, 54:18, 54:20, 54:23, 54:26, 55:13, 56:18, 56:20, 56:22, 56:24, 56:27, 57:2, 57:4, 57:6, 57:14, 62:1, 62:4, 62:6, 62:8, 62:10,</p>	<p>62:12, 62:14, 62:19, 62:22, 62:25, 62:27, 63:4, 63:7, 63:10, 63:13, 65:11, 65:13, 65:15, 67:3, 67:5, 67:7, 67:10, 68:12, 68:14, 68:16, 69:5, 72:8, 72:10, 72:12, 72:18, 72:22, 72:24, 72:28, 75:6, 76:16, 76:18, 76:20, 76:25, 77:4, 77:23, 77:27, 78:2, 78:4, 78:8, 78:11, 78:14, 78:16, 78:18, 78:20, 78:22, 78:26, 79:1, 79:4, 79:7, 79:13, 79:18, 80:4, 80:12, 80:15, 80:16, 80:19, 80:24</p> <p><b>Board's</b> [1] - 44:7</p> <p><b>boards</b> [1] - 22:7</p> <p><b>Boardwalk</b> [1] - 36:26</p> <p><b>Bodiford</b> [2] - 26:17, 60:1</p> <p><b>booklet</b> [1] - 17:7</p> <p><b>bought</b> [4] - 20:3, 27:1, 49:5, 50:26</p> <p><b>Bragg</b> [1] - 60:4</p> <p><b>Brandon</b> [4] - 2:4, 83:3, 83:11, 83:15</p> <p><b>BRANDON</b> [102] - 4:4, 4:11, 4:21, 4:26, 5:7, 5:10, 5:13, 5:18, 6:7, 7:12, 7:15, 7:22, 7:28, 8:4, 8:8, 8:20, 8:24, 9:5, 9:8, 9:13, 12:16, 13:3, 13:6, 13:10, 13:14, 13:17, 16:1, 16:4, 21:16, 21:22, 21:25, 24:17, 24:22, 24:27, 25:5, 26:3, 27:28, 28:21, 28:26, 29:4, 29:10, 29:22, 29:27, 30:8, 31:13, 34:24, 35:2, 35:5, 43:19, 43:23, 48:21, 48:27, 54:16, 54:20, 54:23, 54:26, 55:13, 56:18, 56:24, 56:27, 57:6, 57:14, 62:1, 62:6, 62:10, 62:14, 62:19, 62:22, 62:27, 63:10, 63:13, 65:11, 65:15, 67:3, 67:7, 67:10, 68:12, 68:16, 69:5, 72:8, 72:12, 72:18, 72:24, 72:28, 75:6, 76:16, 76:20, 76:25, 77:4, 77:23, 77:27, 78:4,</p>	<p>78:8, 78:16, 78:26, 79:7, 79:13, 79:18, 80:4, 80:16, 80:19, 80:24</p> <p><b>break</b> [1] - 19:24</p> <p><b>bridge</b> [1] - 36:28</p> <p><b>bring</b> [6] - 16:11, 17:14, 17:17, 28:8, 37:26, 56:28</p> <p><b>Brook</b> [1] - 70:19</p> <p><b>brought</b> [7] - 17:18, 18:9, 20:19, 20:23, 49:9, 55:22, 56:6</p> <p><b>brunt</b> [1] - 51:1</p> <p><b>build</b> [28] - 15:8, 19:8, 19:10, 20:26, 26:11, 27:9, 27:19, 27:24, 30:16, 30:27, 32:17, 32:25, 33:23, 34:8, 34:12, 39:15, 45:25, 57:24, 57:25, 57:26, 58:1, 58:24, 64:15, 66:9, 66:11, 74:27, 76:6, 77:13</p> <p><b>buildable</b> [3] - 45:16, 46:11, 64:25</p> <p><b>building</b> [24] - 10:13, 10:18, 13:2, 15:2, 17:20, 26:8, 26:27, 30:27, 31:2, 32:13, 34:1, 35:11, 37:24, 44:21, 46:14, 47:1, 58:10, 58:12, 60:25, 60:26, 60:28, 61:1, 61:7, 77:9</p> <p><b>buildings</b> [2] - 16:22, 18:27</p> <p><b>builds</b> [1] - 68:3</p> <p><b>built</b> [32] - 17:1, 19:15, 19:19, 20:1, 23:15, 25:14, 26:1, 26:7, 28:11, 31:17, 31:26, 32:2, 32:8, 32:15, 35:12, 35:26, 39:11, 43:13, 46:20, 48:6, 49:6, 50:27, 54:13, 66:25, 66:27, 68:7, 69:10, 71:11, 71:14, 71:18, 77:17</p> <p><b>burn</b> [2] - 51:15, 51:16</p> <p><b>BUSINESS</b> [2] - 79:12, 79:17</p> <p><b>business</b> [3] - 79:14, 79:19, 80:5</p> <p><b>Business</b>.....</p> <p>..... [2] - 3:16, 3:17</p> <p><b>buy</b> [6] - 27:27, 34:16, 35:22, 40:21, 74:25, 77:13</p> <p><b>buyer's</b> [1] - 34:15</p>	<p><b>C</b></p> <p><b>calendar</b> [3] - 79:20, 80:10, 80:14</p> <p><b>CALENDAR</b> [1] - 79:23</p> <p><b>Calendar</b>.....</p> <p>... [1] - 3:19</p> <p><b>CALL</b> [2] - 4:3, 4:9</p> <p><b>Call</b>.....</p> <p>.. [1] - 3:5</p> <p><b>Camille</b> [1] - 26:10</p> <p><b>cannot</b> [6] - 34:17, 45:6, 46:5, 46:18, 46:23, 76:11</p> <p><b>cantilevered</b> [1] - 6:24</p> <p><b>care</b> [2] - 48:11, 52:23</p> <p><b>carries</b> [1] - 9:7</p> <p><b>Case</b> [6] - 3:11, 3:12, 3:14, 7:9, 11:14, 65:8</p> <p><b>CASE</b> [3] - 6:6, 9:11, 63:26</p> <p><b>case</b> [15] - 6:9, 8:6, 9:14, 9:26, 13:7, 13:12, 31:10, 31:21, 34:23, 60:22, 63:28, 64:2, 66:13, 75:13, 76:15</p> <p><b>cases</b> [3] - 29:23, 31:20, 75:12</p> <p><b>catches</b> [1] - 73:25</p> <p><b>category</b> [1] - 37:5</p> <p><b>cease</b> [1] - 71:5</p> <p><b>cellphone</b> [1] - 5:21</p> <p><b>centering</b> [1] - 20:21</p> <p><b>Central</b> [1] - 1:14</p> <p><b>certain</b> [2] - 14:5, 77:15</p> <p><b>Certification</b> [1] - 82:23</p> <p><b>Certified</b> [3] - 1:16, 82:22, 83:9</p> <p><b>certify</b> [3] - 82:6, 82:13, 83:5</p> <p><b>chairman</b> [1] - 5:25</p> <p><b>Chairman</b> [4] - 2:4, 4:19, 83:3, 83:15</p> <p><b>CHAIRMAN</b> [102] - 4:4, 4:11, 4:21, 4:26, 5:7, 5:10, 5:13, 5:18, 6:7, 7:12, 7:15, 7:22, 7:28, 8:4, 8:8, 8:20, 8:24, 9:5, 9:8, 9:13, 12:16, 13:3, 13:6, 13:10, 13:14, 13:17, 16:1, 16:4, 21:16, 21:22, 21:25, 24:17, 24:22, 24:27, 25:5,</p>	<p>26:3, 27:28, 28:21, 28:26, 29:4, 29:10, 29:22, 29:27, 30:8, 31:13, 34:24, 35:2, 35:5, 43:19, 43:23, 48:21, 48:27, 54:16, 54:20, 54:23, 54:26, 55:13, 56:18, 56:24, 56:27, 57:6, 57:14, 62:1, 62:6, 62:10, 62:14, 62:19, 62:22, 62:27, 63:10, 63:13, 65:11, 65:15, 67:3, 67:7, 67:10, 68:12, 68:16, 69:5, 72:8, 72:12, 72:18, 72:24, 72:28, 75:6, 76:16, 76:20, 76:25, 77:4, 77:23, 77:27, 78:4, 78:8, 78:16, 78:26, 79:7, 79:13, 79:18, 80:4, 80:16, 80:19, 80:24</p> <p><b>chance</b> [1] - 46:26</p> <p><b>change</b> [4] - 24:9, 26:22, 48:4, 48:10</p> <p><b>changed</b> [4] - 40:28, 48:3, 53:3, 72:17</p> <p><b>chose</b> [4] - 14:18, 51:23, 59:15, 70:12</p> <p><b>circle</b> [1] - 55:17</p> <p><b>circling</b> [1] - 55:11</p> <p><b>circuit</b> [1] - 61:28</p> <p><b>Circuit</b> [1] - 63:20</p> <p><b>circumstances</b> [2] - 75:15, 76:10</p> <p><b>citizen</b> [1] - 22:18</p> <p><b>city</b> [1] - 69:1</p> <p><b>claim</b> [2] - 46:25, 47:1</p> <p><b>clarity</b> [1] - 62:28</p> <p><b>classifications</b> [1] - 16:17</p> <p><b>cleanup</b> [1] - 33:27</p> <p><b>Clear</b> [1] - 16:25</p> <p><b>clear</b> [2] - 43:13, 57:16</p> <p><b>cleared</b> [1] - 24:8</p> <p><b>clearly</b> [2] - 30:15, 33:10</p> <p><b>close</b> [14] - 8:9, 26:9, 27:3, 27:8, 34:1, 36:3, 37:28, 50:25, 51:11, 51:14, 57:7, 68:4, 74:27, 78:5</p> <p><b>closer</b> [14] - 11:6, 18:7, 19:4, 19:16, 19:19, 20:1, 26:27, 27:25, 35:11, 35:13, 65:4, 66:3, 66:9, 67:21</p> <p><b>coast</b> [1] - 32:15</p>
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## BALDWIN COUNTY DISTRICT 2 PLANNING AND ZONING DISTRICT BOARD OF ADJUSTMENT 10/14/2019

<p><b>COCHRAN</b> [66] - 4:18, 5:3, 7:25, 8:15, 9:3, 11:18, 11:26, 12:7, 13:20, 13:25, 13:28, 14:13, 14:20, 14:27, 15:5, 15:13, 15:17, 15:21, 21:19, 24:20, 24:26, 25:15, 25:24, 27:7, 28:3, 28:11, 28:18, 29:7, 30:3, 34:27, 36:7, 36:14, 37:10, 37:18, 38:9, 39:2, 39:24, 40:11, 41:10, 41:15, 41:23, 42:10, 42:25, 43:10, 43:18, 48:24, 54:19, 56:21, 57:3, 62:5, 62:9, 62:12, 63:8, 65:14, 67:6, 68:15, 72:11, 72:23, 76:19, 78:3, 78:12, 78:15, 78:19, 78:23, 79:5, 80:13</p> <p><b>Cochran</b> [8] - 2:5, 4:16, 9:1, 11:24, 46:17, 46:23, 63:6, 79:3</p> <p><b>code</b> [10] - 13:2, 19:9, 30:27, 46:14, 56:7, 60:26, 60:28, 61:1, 61:7</p> <p><b>college</b> [1] - 44:1</p> <p><b>color</b> [1] - 74:11</p> <p><b>Columbus</b> [1] - 53:13</p> <p><b>combining</b> [1] - 33:6</p> <p><b>comfort</b> [2] - 24:1, 33:19</p> <p><b>comfortably</b> [1] - 70:16</p> <p><b>coming</b> [6] - 18:21, 25:2, 25:6, 53:15, 70:20</p> <p><b>command</b> [1] - 40:2</p> <p><b>commented</b> [1] - 59:10</p> <p><b>comments</b> [9] - 8:10, 8:13, 38:19, 57:9, 59:21, 62:2, 72:15, 78:6, 78:12</p> <p><b>Commission</b> [5] - 5:9, 63:23, 81:1, 83:4, 83:16</p> <p><b>COMMISSION</b> [1] - 1:3</p> <p><b>commitment</b> [1] - 19:28</p> <p><b>committed</b> [1] - 19:26</p> <p><b>Committee</b> [2] - 34:21, 59:14</p> <p><b>common</b> [3] - 29:16,</p>	<p>31:28, 38:20</p> <p><b>common-size</b> [1] - 29:16</p> <p><b>community</b> [7] - 22:3, 42:22, 44:15, 44:16, 47:21, 48:13, 48:16</p> <p><b>community's</b> [1] - 44:11</p> <p><b>compared</b> [3] - 17:11, 47:4, 59:6</p> <p><b>comparisons</b> [1] - 68:26</p> <p><b>compatible</b> [1] - 33:1</p> <p><b>complained</b> [1] - 71:24</p> <p><b>complaints</b> [1] - 24:13</p> <p><b>completely</b> [1] - 46:22</p> <p><b>comply</b> [1] - 56:9</p> <p><b>comprehend</b> [1] - 45:6</p> <p><b>comprised</b> [1] - 22:18</p> <p><b>computer</b> [1] - 82:9</p> <p><b>computer-aided</b> [1] - 82:9</p> <p><b>concept</b> [1] - 22:1</p> <p><b>concern</b> [2] - 24:5, 47:11</p> <p><b>concerned</b> [1] - 50:19</p> <p><b>concerning</b> [1] - 59:22</p> <p><b>concerns</b> [6] - 20:19, 24:4, 24:10, 24:13, 24:14, 68:1</p> <p><b>conduct</b> [1] - 80:5</p> <p><b>configurations</b> [1] - 34:13</p> <p><b>conflict</b> [1] - 46:4</p> <p><b>conform</b> [2] - 10:18, 49:8</p> <p><b>conforming</b> [1] - 44:25</p> <p><b>conforms</b> [1] - 23:13</p> <p><b>confusion</b> [2] - 30:19, 30:20</p> <p><b>congestion</b> [1] - 23:21</p> <p><b>consequently</b> [1] - 46:3</p> <p><b>Consideration</b> [1] - 3:9</p> <p><b>consideration</b> [2] - 22:23, 69:17</p> <p><b>CONSIDERATION</b> [1] - 6:4</p> <p><b>considerations</b> [1] - 30:17</p> <p><b>considered</b> [3] - 12:23, 24:16, 68:28</p> <p><b>considering</b> [3] - 22:20, 68:23, 68:26</p> <p><b>considers</b> [1] - 32:12</p> <p><b>consistent</b> [2] - 7:4,</p>	<p>66:24</p> <p><b>constantly</b> [1] - 55:4</p> <p><b>construct</b> [1] - 23:12</p> <p><b>constructing</b> [2] - 6:19, 10:21</p> <p><b>construction</b> [6] - 6:16, 9:17, 45:21, 45:23, 46:1, 64:5</p> <p><b>contents</b> [1] - 65:25</p> <p><b>continued</b> [1] - 34:22</p> <p><b>contractor</b> [2] - 7:21, 26:12</p> <p><b>convenience</b> [4] - 18:19, 31:22, 33:16, 46:6</p> <p><b>conversation</b> [1] - 80:6</p> <p><b>copies</b> [1] - 15:27</p> <p><b>copy</b> [2] - 11:18, 34:28</p> <p><b>corner</b> [2] - 11:24, 11:28</p> <p><b>correct</b> [7] - 15:19, 30:24, 63:14, 73:15, 79:24, 82:10, 83:7</p> <p><b>correctly</b> [1] - 59:26</p> <p><b>cost</b> [1] - 50:15</p> <p><b>cottage</b> [2] - 70:9, 70:10</p> <p><b>cottages</b> [2] - 49:20, 69:26</p> <p><b>Cotton</b> [1] - 51:23</p> <p><b>counsel</b> [1] - 82:14</p> <p><b>county</b> [3] - 26:24, 40:18, 68:28</p> <p><b>COUNTY</b> [3] - 1:3, 2:7, 82:4</p> <p><b>County</b> [25] - 1:14, 6:12, 7:7, 16:14, 17:12, 18:16, 18:25, 19:3, 21:9, 21:11, 24:2, 33:12, 33:21, 34:11, 34:19, 36:27, 40:13, 56:7, 63:21, 63:23, 64:12, 81:1, 83:4, 83:16</p> <p><b>couple</b> [4] - 16:11, 19:17, 57:19, 70:15</p> <p><b>Court</b> [4] - 1:16, 63:21, 82:22, 83:9</p> <p><b>court</b> [5] - 5:28, 41:27, 61:26, 61:28, 75:11</p> <p><b>create</b> [2] - 45:18, 70:3</p> <p><b>created</b> [4] - 22:7, 22:13, 32:27, 76:11</p> <p><b>CRYSTAL</b> [2] - 64:2, 78:10</p> <p><b>Crystal</b> [1] - 2:10</p> <p><b>curious</b> [1] - 69:4</p> <p><b>current</b> [1] - 34:13</p> <p><b>cutoff</b> [1] - 43:2</p>	<p><b>D</b></p> <p><b>damn</b> [1] - 42:19</p> <p><b>danger</b> [2] - 23:22, 33:18</p> <p><b>Daphne/Historic</b> [1] - 32:25</p> <p><b>data</b> [1] - 44:6</p> <p><b>date</b> [1] - 79:28</p> <p><b>dates</b> [2] - 79:21, 79:25</p> <p><b>daughter</b> [1] - 70:9</p> <p><b>days</b> [1] - 63:19</p> <p><b>Deadline</b> [1] - 3:19</p> <p><b>DEADLINE</b> [1] - 79:23</p> <p><b>deal</b> [1] - 35:17</p> <p><b>dealing</b> [1] - 75:4</p> <p><b>debris</b> [2] - 20:7, 20:15</p> <p><b>decide</b> [1] - 29:20</p> <p><b>decision</b> [13] - 29:19, 30:24, 30:26, 42:11, 42:17, 53:20, 54:10, 55:21, 56:13, 61:27, 63:18, 63:20</p> <p><b>deck</b> [1] - 18:2</p> <p><b>decrease</b> [3] - 46:20, 46:26, 56:3</p> <p><b>decreased</b> [1] - 56:17</p> <p><b>decreasing</b> [1] - 70:5</p> <p><b>deep</b> [1] - 74:18</p> <p><b>defined</b> [1] - 31:2</p> <p><b>definite</b> [1] - 31:2</p> <p><b>definitely</b> [1] - 58:28</p> <p><b>definitively</b> [1] - 46:19</p> <p><b>denial</b> [1] - 58:19</p> <p><b>denied</b> [8] - 26:20, 32:11, 47:28, 59:23, 60:2, 60:10, 60:14, 67:18</p> <p><b>Denied</b> [2] - 3:13, 3:15</p> <p><b>deny</b> [6] - 9:21, 41:12, 54:11, 60:11, 60:12, 60:13</p> <p><b>denying</b> [1] - 77:1</p> <p><b>DEPARTMENT</b> [1] - 2:7</p> <p><b>Department</b> [1] - 63:22</p> <p><b>deplete</b> [1] - 17:22</p> <p><b>depletion</b> [1] - 20:24</p> <p><b>descriptions</b> [1] - 38:10</p> <p><b>designated</b> [1] - 22:16</p> <p><b>designed</b> [2] - 40:21, 50:10</p> <p><b>designing</b> [1] - 33:1</p> <p><b>desire</b> [1] - 35:18</p> <p><b>desired</b> [1] - 34:15</p>	<p><b>desires</b> [1] - 46:2</p> <p><b>desist</b> [1] - 71:5</p> <p><b>determinations</b> [1] - 24:3</p> <p><b>determine</b> [3] - 22:22, 22:28, 49:15</p> <p><b>determined</b> [2] - 22:11, 23:18</p> <p><b>determining</b> [1] - 23:1</p> <p><b>development</b> [3] - 22:2, 22:14, 41:3</p> <p><b>dictate</b> [1] - 58:16</p> <p><b>difference</b> [4] - 12:18, 41:13, 43:12, 54:2</p> <p><b>different</b> [13] - 12:20, 12:26, 32:6, 49:11, 51:19, 51:21, 51:25, 52:4, 54:5, 59:12, 59:19, 67:17</p> <p><b>differently</b> [1] - 12:5</p> <p><b>dimensions</b> [2] - 15:21, 23:4</p> <p><b>diminish</b> [1] - 23:23</p> <p><b>direction</b> [1] - 61:15</p> <p><b>directly</b> [2] - 20:16, 43:26</p> <p><b>disagree</b> [3] - 37:10, 38:4, 38:18</p> <p><b>discuss</b> [1] - 44:13</p> <p><b>discussed</b> [2] - 13:8, 49:10</p> <p><b>discussion</b> [4] - 35:9, 62:7, 68:2, 73:2</p> <p><b>disregarded</b> [1] - 49:14</p> <p><b>distance</b> [2] - 50:19, 61:3</p> <p><b>district</b> [3] - 16:13, 21:10, 59:19</p> <p><b>DISTRICT</b> [2] - 1:3, 1:4</p> <p><b>District</b> [19] - 2:4, 2:5, 2:6, 6:12, 6:14, 9:28, 16:12, 16:18, 17:13, 19:1, 21:8, 48:10, 51:20, 59:11, 59:14, 59:16, 61:5, 63:24, 64:8</p> <p><b>districts</b> [3] - 40:17, 59:12</p> <p><b>dives</b> [1] - 74:22</p> <p><b>divided</b> [1] - 32:28</p> <p><b>dollar</b> [2] - 38:12, 40:27</p> <p><b>dollars</b> [2] - 40:23, 44:14</p> <p><b>done</b> [10] - 21:4, 36:19, 36:21, 36:22, 36:26, 36:27, 36:28, 37:1, 53:17, 69:10</p> <p><b>door</b> [1] - 68:7</p>
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## BALDWIN COUNTY DISTRICT 2 PLANNING AND ZONING DISTRICT BOARD OF ADJUSTMENT 10/14/2019

<p><b>down</b> <sup>[16]</sup> - 11:24, 11:27, 15:25, 32:15, 36:22, 36:23, 36:27, 39:22, 40:4, 42:14, 51:22, 54:15, 57:24, 59:2, 74:21, 82:7</p> <p><b>downtown</b> <sup>[1]</sup> - 32:3</p> <p><b>draw</b> <sup>[1]</sup> - 44:24</p> <p><b>drawing</b> <sup>[3]</sup> - 18:1, 25:13, 25:17</p> <p><b>drawn</b> <sup>[1]</sup> - 29:14</p> <p><b>dried</b> <sup>[1]</sup> - 51:2</p> <p><b>Drive</b> <sup>[4]</sup> - 9:28, 25:13, 64:8, 74:19</p> <p><b>driveway</b> <sup>[2]</sup> - 29:2, 32:4</p> <p><b>driving</b> <sup>[1]</sup> - 47:18</p> <p><b>due</b> <sup>[8]</sup> - 7:3, 7:5, 10:15, 23:4, 28:6, 66:10, 66:28, 70:15</p> <p><b>duplex</b> <sup>[2]</sup> - 20:26, 21:4</p> <p><b>duplexes</b> <sup>[1]</sup> - 21:1</p> <p><b>during</b> <sup>[1]</sup> - 74:14</p> <p><b>During</b> <sup>[1]</sup> - 20:5</p> <p><b>duties</b> <sup>[1]</sup> - 22:20</p> <p><b>dwelling</b> <sup>[14]</sup> - 6:17, 6:19, 6:23, 9:17, 10:22, 11:3, 15:9, 23:12, 45:22, 45:24, 45:25, 64:6, 65:4, 65:6</p> <p><b>dwellings</b> <sup>[1]</sup> - 23:15</p> <p><b>Déjà</b> <sup>[1]</sup> - 25:10</p>	<p><b>eighteen</b> <sup>[1]</sup> - 6:19</p> <p><b>eighty</b> <sup>[4]</sup> - 10:12, 40:11, 40:15, 58:9</p> <p><b>either</b> <sup>[2]</sup> - 38:7, 61:14</p> <p><b>elevation</b> <sup>[1]</sup> - 12:26</p> <p><b>elevations</b> <sup>[1]</sup> - 12:21</p> <p><b>eligibility</b> <sup>[1]</sup> - 22:28</p> <p><b>embers</b> <sup>[1]</sup> - 51:15</p> <p><b>emergency</b> <sup>[2]</sup> - 33:25, 74:1</p> <p><b>emotional</b> <sup>[2]</sup> - 49:3, 53:25</p> <p><b>emphasize</b> <sup>[1]</sup> - 47:27</p> <p><b>encompass</b> <sup>[1]</sup> - 65:24</p> <p><b>encroach</b> <sup>[1]</sup> - 77:16</p> <p><b>encroaching</b> <sup>[1]</sup> - 77:20</p> <p><b>end</b> <sup>[1]</sup> - 35:7</p> <p><b>entertain</b> <sup>[1]</sup> - 62:11</p> <p><b>entitled</b> <sup>[1]</sup> - 57:20</p> <p><b>equal</b> <sup>[1]</sup> - 19:26</p> <p><b>erupts</b> <sup>[1]</sup> - 51:13</p> <p><b>especially</b> <sup>[2]</sup> - 51:16, 68:22</p> <p><b>established</b> <sup>[2]</sup> - 23:14, 23:24</p> <p><b>estate</b> <sup>[2]</sup> - 34:1, 34:2</p> <p><b>everywhere</b> <sup>[1]</sup> - 39:28</p> <p><b>evidence</b> <sup>[1]</sup> - 48:1</p> <p><b>evolution</b> <sup>[1]</sup> - 21:28</p> <p><b>exact</b> <sup>[1]</sup> - 52:18</p> <p><b>exactly</b> <sup>[4]</sup> - 27:16, 27:17, 28:11, 60:17</p> <p><b>example</b> <sup>[2]</sup> - 16:24, 17:15</p> <p><b>except</b> <sup>[1]</sup> - 71:1</p> <p><b>exception</b> <sup>[1]</sup> - 10:19</p> <p><b>exceptional</b> <sup>[1]</sup> - 18:15</p> <p><b>excuse</b> <sup>[1]</sup> - 80:2</p> <p><b>Excuse</b> <sup>[1]</sup> - 80:8</p> <p><b>exhausted</b> <sup>[1]</sup> - 44:17</p> <p><b>exist</b> <sup>[1]</sup> - 34:5</p> <p><b>expect</b> <sup>[3]</sup> - 37:6, 38:11, 38:13</p> <p><b>expensive</b> <sup>[2]</sup> - 37:6, 54:13</p> <p><b>experience</b> <sup>[1]</sup> - 48:15</p> <p><b>expert</b> <sup>[1]</sup> - 44:18</p> <p><b>explain</b> <sup>[1]</sup> - 61:17</p> <p><b>explaining</b> <sup>[2]</sup> - 60:16, 60:19</p> <p><b>extreme</b> <sup>[1]</sup> - 31:21</p>	<p>31:6, 51:5, 57:21</p> <p><b>factors</b> <sup>[2]</sup> - 7:6, 23:1</p> <p><b>facts</b> <sup>[3]</sup> - 60:17, 60:22, 61:16</p> <p><b>failed</b> <sup>[2]</sup> - 60:6, 60:12</p> <p><b>fails</b> <sup>[2]</sup> - 63:16, 79:9</p> <p><b>fair</b> <sup>[4]</sup> - 31:8, 41:7, 44:5, 45:5</p> <p><b>fair-sized</b> <sup>[1]</sup> - 45:5</p> <p><b>Fairhope</b> <sup>[2]</sup> - 32:3, 32:8</p> <p><b>fairly</b> <sup>[1]</sup> - 37:7</p> <p><b>falls</b> <sup>[1]</sup> - 35:23</p> <p><b>familiar</b> <sup>[1]</sup> - 36:21</p> <p><b>families</b> <sup>[1]</sup> - 70:14</p> <p><b>family</b> <sup>[15]</sup> - 6:16, 9:17, 16:16, 19:23, 23:12, 45:22, 45:24, 45:25, 48:5, 49:2, 49:5, 51:23, 51:24, 64:5, 70:9</p> <p><b>Family</b> <sup>[5]</sup> - 3:12, 3:14, 6:14, 64:3, 64:9</p> <p><b>FAMILY</b> <sup>[2]</sup> - 9:11, 63:26</p> <p><b>fantastic</b> <sup>[1]</sup> - 19:24</p> <p><b>far</b> <sup>[4]</sup> - 12:7, 19:2, 20:6, 60:24</p> <p><b>Farmers</b> <sup>[2]</sup> - 67:16, 67:24</p> <p><b>fault</b> <sup>[1]</sup> - 42:1</p> <p><b>favor</b> <sup>[4]</sup> - 5:8, 63:16, 67:13, 80:17</p> <p><b>feasible</b> <sup>[2]</sup> - 15:5, 15:7</p> <p><b>feet</b> <sup>[80]</sup> - 6:19, 6:21, 10:6, 10:7, 10:11, 10:12, 10:22, 10:24, 10:25, 10:27, 10:28, 11:1, 11:3, 11:5, 12:2, 12:10, 14:11, 14:25, 15:1, 15:3, 15:11, 15:14, 17:4, 18:3, 19:4, 19:6, 20:4, 20:10, 20:12, 20:17, 26:7, 27:10, 27:12, 27:13, 27:15, 28:25, 29:1, 30:28, 31:23, 36:10, 39:4, 39:6, 39:12, 40:4, 40:8, 43:15, 45:3, 47:2, 49:19, 49:26, 49:27, 50:4, 50:7, 50:21, 50:23, 51:5, 51:6, 52:8, 52:10, 52:14, 52:15, 58:26, 58:27, 59:27, 60:27, 61:2, 61:4, 61:6, 61:8, 61:9, 64:14, 65:28, 66:4, 66:22,</p>	<p>69:13, 69:14, 69:18, 69:19, 69:27</p> <p><b>FEMA</b> <sup>[1]</sup> - 12:20</p> <p><b>fence</b> <sup>[2]</sup> - 73:21, 73:23</p> <p><b>fences</b> <sup>[1]</sup> - 47:8</p> <p><b>fewer</b> <sup>[1]</sup> - 47:16</p> <p><b>fifteen</b> <sup>[6]</sup> - 17:23, 31:8, 31:10, 31:11, 31:14, 63:19</p> <p><b>fifth</b> <sup>[1]</sup> - 20:3</p> <p><b>fifty</b> <sup>[31]</sup> - 11:8, 12:2, 12:10, 12:13, 16:26, 16:27, 26:5, 27:13, 27:15, 28:27, 28:28, 30:28, 31:23, 32:1, 32:3, 32:8, 38:22, 38:25, 38:26, 39:4, 40:24, 40:26, 41:26, 59:16, 59:27, 64:23, 65:3, 69:11, 69:12, 69:14, 72:2</p> <p><b>Fifty</b> <sup>[1]</sup> - 28:24</p> <p><b>figure</b> <sup>[1]</sup> - 37:19</p> <p><b>file</b> <sup>[1]</sup> - 63:20</p> <p><b>final</b> <sup>[1]</sup> - 63:18</p> <p><b>fine</b> <sup>[2]</sup> - 30:9, 77:13</p> <p><b>fire</b> <sup>[16]</sup> - 18:25, 18:28, 19:2, 23:22, 33:19, 46:26, 47:3, 47:6, 47:7, 47:9, 51:3, 51:13, 60:26, 61:11, 73:24, 73:26</p> <p><b>firemen</b> <sup>[1]</sup> - 73:26</p> <p><b>fireproof</b> <sup>[3]</sup> - 33:22, 33:23, 33:24</p> <p><b>firewall</b> <sup>[5]</sup> - 19:3, 19:8, 19:10, 51:14, 56:10</p> <p><b>first</b> <sup>[15]</sup> - 6:8, 16:6, 19:18, 25:4, 43:10, 52:27, 55:19, 57:11, 57:20, 65:18, 66:5, 69:3, 69:9, 73:17, 77:1</p> <p><b>firsthand</b> <sup>[1]</sup> - 34:8</p> <p><b>fit</b> <sup>[7]</sup> - 34:14, 37:14, 47:7, 50:17, 52:21, 59:2, 59:3</p> <p><b>fits</b> <sup>[1]</sup> - 22:4</p> <p><b>five</b> <sup>[48]</sup> - 10:6, 10:22, 10:27, 11:1, 14:13, 18:2, 19:4, 19:6, 20:19, 26:7, 27:14, 29:15, 31:26, 32:2, 33:2, 36:12, 36:14, 36:18, 37:3, 37:11, 38:20, 39:12, 39:14, 40:24, 42:3, 43:14, 46:14, 50:21, 52:8,</p>	<p>52:15, 55:21, 55:26, 56:2, 58:26, 61:9, 64:16, 64:17, 64:18, 66:14, 66:22, 69:17, 69:27, 72:4, 73:18, 73:19, 76:2, 76:6</p> <p><b>five-and-a-half</b> <sup>[2]</sup> - 18:2, 50:21</p> <p><b>five-point-nine-two</b> <sup>[1]</sup> - 10:22</p> <p><b>five-point-seven-one</b> <sup>[2]</sup> - 64:18, 73:19</p> <p><b>Flood</b> <sup>[6]</sup> - 12:10, 57:28, 58:2, 67:19, 67:21, 67:25</p> <p><b>flood</b> <sup>[6]</sup> - 12:20, 12:21, 12:24, 12:25, 13:1, 45:15</p> <p><b>flooding</b> <sup>[1]</sup> - 34:4</p> <p><b>floor</b> <sup>[1]</sup> - 45:1</p> <p><b>flow</b> <sup>[1]</sup> - 20:7</p> <p><b>fly</b> <sup>[1]</sup> - 51:15</p> <p><b>follow</b> <sup>[1]</sup> - 28:19</p> <p><b>followed</b> <sup>[1]</sup> - 44:5</p> <p><b>following</b> <sup>[2]</sup> - 1:12, 22:14</p> <p><b>foot</b> <sup>[82]</sup> - 6:23, 6:24, 11:8, 11:10, 12:13, 15:26, 16:21, 16:26, 16:27, 17:2, 17:3, 17:10, 18:26, 21:13, 26:6, 26:19, 27:20, 28:27, 29:1, 29:15, 31:7, 31:9, 31:12, 31:17, 32:1, 32:2, 32:3, 32:4, 32:8, 33:2, 33:3, 33:5, 38:2, 38:23, 38:25, 38:27, 39:14, 40:5, 40:25, 40:26, 44:25, 44:27, 45:4, 46:10, 46:11, 46:15, 47:4, 47:7, 47:9, 47:13, 49:24, 49:25, 50:13, 52:7, 52:11, 55:21, 55:25, 55:26, 56:2, 56:5, 56:8, 58:9, 58:24, 58:25, 59:16, 64:16, 64:17, 64:24, 65:3, 65:23, 66:14, 66:26, 69:11, 72:2, 72:4, 73:19, 73:20, 76:2, 76:7</p> <p><b>footage</b> <sup>[4]</sup> - 10:9, 10:19, 32:10, 45:3</p> <p><b>footprint</b> <sup>[9]</sup> - 35:27, 37:25, 46:11, 56:16, 64:25, 65:22, 65:26, 69:21, 70:5</p> <p><b>force</b> <sup>[2]</sup> - 58:1, 59:1</p>
<b>E</b>				
<p><b>ease</b> <sup>[2]</sup> - 19:11, 24:4</p> <p><b>easily</b> <sup>[2]</sup> - 31:25, 33:5</p> <p><b>east</b> <sup>[3]</sup> - 7:1, 11:4, 14:9</p> <p><b>Eastern</b> <sup>[1]</sup> - 36:17</p> <p><b>eat</b> <sup>[1]</sup> - 39:13</p> <p><b>eat-in</b> <sup>[1]</sup> - 39:13</p> <p><b>economic</b> <sup>[5]</sup> - 18:20, 18:22, 31:21, 33:9, 33:17</p> <p><b>economically</b> <sup>[1]</sup> - 18:12</p> <p><b>economics</b> <sup>[2]</sup> - 18:10, 67:23</p> <p><b>educated</b> <sup>[1]</sup> - 30:26</p> <p><b>educational</b> <sup>[1]</sup> - 55:3</p> <p><b>effort</b> <sup>[1]</sup> - 34:23</p> <p><b>eight</b> <sup>[6]</sup> - 10:24, 38:11, 54:8, 64:20, 65:23, 66:2</p> <p><b>eight-point-one-six</b> <sup>[2]</sup> - 64:20, 66:2</p>	<p data-cs="4" data-kind="parent" style="text-align: center;"><b>F</b></p> <p data-kind="ghost"></p> <p data-kind="ghost"></p> <p data-kind="ghost"></p> <p><b>fact</b> <sup>[5]</sup> - 7:4, 10:15,</p>			



## BALDWIN COUNTY DISTRICT 2 PLANNING AND ZONING DISTRICT BOARD OF ADJUSTMENT 10/14/2019

<p><b>foregoing</b> [3] - 82:7, 82:10, 83:5</p> <p><b>forget</b> [1] - 26:14</p> <p><b>forgot</b> [2] - 20:24, 26:16</p> <p><b>Fort</b> [2] - 26:24, 70:14</p> <p><b>fortune</b> [1] - 70:17</p> <p><b>forty</b> [14] - 10:7, 11:3, 11:4, 14:25, 27:14, 27:23, 31:12, 31:14, 40:3, 49:27, 58:25, 58:26, 66:11</p> <p><b>forty-five</b> [2] - 27:14, 58:26</p> <p><b>forty-four</b> [2] - 31:12, 31:14</p> <p><b>forty-nine</b> [3] - 10:7, 40:3, 49:27</p> <p><b>forty-point-six-one</b> [1] - 11:3</p> <p><b>forty-six</b> [2] - 58:25, 66:11</p> <p><b>forty-six-point-three-zero</b> [1] - 27:23</p> <p><b>forty-two-point-nine-seven</b> [2] - 11:4, 14:25</p> <p><b>forward</b> [2] - 37:15, 39:9</p> <p><b>four</b> [29] - 10:24, 10:25, 17:18, 20:10, 20:17, 29:1, 29:15, 31:12, 31:14, 31:26, 33:2, 36:9, 36:10, 36:12, 36:14, 37:3, 37:11, 38:15, 38:20, 42:3, 43:14, 49:23, 49:25, 50:13, 56:5, 66:4, 76:6</p> <p><b>four-point-two-nine</b> [1] - 66:4</p> <p><b>four-point-zero-eight</b> [1] - 10:24</p> <p><b>fourteen</b> [2] - 38:13</p> <p><b>fourteen-by-fourteen</b> [1] - 38:13</p> <p><b>fourth</b> [1] - 19:13</p> <p><b>friend</b> [1] - 70:22</p> <p><b>friends</b> [1] - 17:1</p> <p><b>fright</b> [2] - 41:19, 41:24</p> <p><b>front</b> [15] - 15:27, 17:8, 30:22, 39:12, 40:4, 40:25, 41:18, 41:26, 41:27, 66:15, 68:2, 68:6, 69:14, 73:26, 74:3</p> <p><b>front-foot</b> [1] - 40:25</p> <p><b>frontage</b> [3] - 69:4, 69:15, 72:4</p>	<p><b>fronts</b> [1] - 72:2</p> <p><b>frustrated</b> [2] - 53:16, 53:23</p> <p><b>full</b> [1] - 50:5</p> <p><b>fundamental</b> [1] - 47:20</p> <p><b>funnel</b> [1] - 20:15</p> <p><b>future</b> [2] - 22:2, 48:15</p> <p><b>G</b></p> <p><b>gain</b> [1] - 18:12</p> <p><b>garbage</b> [1] - 29:2</p> <p><b>gather</b> [1] - 44:5</p> <p><b>general</b> [3] - 24:1, 33:20, 44:20</p> <p><b>generations</b> [1] - 48:15</p> <p><b>generously</b> [1] - 22:19</p> <p><b>george</b> [1] - 72:14</p> <p><b>George</b> [6] - 24:28, 25:1, 25:9, 28:1, 28:22, 72:13</p> <p><b>GEORGE</b> [13] - 25:3, 25:9, 25:21, 25:27, 26:5, 27:26, 28:8, 28:15, 28:24, 28:28, 72:14, 72:20, 72:27</p> <p><b>given</b> [7] - 16:16, 17:13, 42:16, 59:10, 68:26, 75:24, 82:11</p> <p><b>GLENDA</b> [3] - 21:28, 24:21, 68:19</p> <p><b>Glenda</b> [2] - 21:26, 68:17</p> <p><b>gnawing</b> [1] - 69:19</p> <p><b>God</b> [1] - 20:14</p> <p><b>governed</b> [1] - 13:2</p> <p><b>grace</b> [1] - 20:14</p> <p><b>grand</b> [1] - 52:25</p> <p><b>grant</b> [1] - 50:22</p> <p><b>granted</b> [7] - 9:25, 17:25, 18:27, 22:22, 26:14, 31:20, 61:24</p> <p><b>granting</b> [5] - 18:17, 23:18, 33:13, 75:23, 75:26</p> <p><b>great</b> [1] - 39:11</p> <p><b>greater</b> [3] - 18:4, 19:4, 19:6</p> <p><b>green</b> [1] - 48:8</p> <p><b>grew</b> [2] - 51:18, 70:18</p> <p><b>growing</b> [1] - 22:3</p> <p><b>guaranteed</b> [1] - 39:7</p> <p><b>guess</b> [5] - 14:18, 15:7, 47:15, 50:6, 55:10</p> <p><b>Gully</b> [5] - 22:15, 23:7, 44:15, 69:25, 72:1</p>	<p><b>guys</b> [3] - 16:13, 17:8, 21:15</p> <p><b>Gwendolyn</b> [2] - 54:24, 77:25</p> <p><b>GWENDOLYN</b> [2] - 54:25, 77:26</p> <p><b>H</b></p> <p><b>half</b> [12] - 17:9, 18:2, 26:19, 40:27, 50:21, 51:6, 53:14, 56:5, 58:11, 75:2, 75:4, 75:7</p> <p><b>half-a-million</b> [1] - 40:27</p> <p><b>happy</b> [1] - 21:14</p> <p><b>hard</b> [4] - 42:18, 56:12, 74:2, 74:14</p> <p><b>hardship</b> [30] - 16:23, 22:13, 28:3, 28:5, 28:7, 28:13, 31:19, 31:21, 32:14, 32:22, 32:26, 34:17, 37:20, 41:5, 45:7, 53:8, 53:9, 53:11, 58:13, 61:21, 67:22, 68:8, 68:9, 70:3, 75:14, 75:19, 75:21, 75:25, 76:9, 76:12</p> <p><b>hardships</b> [2] - 22:5, 40:19</p> <p><b>hate</b> [1] - 53:25</p> <p><b>health</b> [2] - 24:1, 33:19</p> <p><b>Healy</b> [8] - 48:28, 49:2, 54:17, 54:24, 71:23, 76:27, 76:28, 77:25</p> <p><b>HEALY</b> [7] - 49:1, 54:22, 54:25, 76:28, 77:5, 77:7, 77:26</p> <p><b>Healy's</b> [3] - 33:22, 68:2, 68:5</p> <p><b>heard</b> [1] - 59:20</p> <p><b>hearing</b> [7] - 7:17, 8:10, 9:25, 16:6, 57:8, 65:17, 78:6</p> <p><b>height</b> [2] - 12:21, 13:2</p> <p><b>HELD</b> [1] - 1:2</p> <p><b>held</b> [1] - 1:12</p> <p><b>hell</b> [1] - 54:7</p> <p><b>hereby</b> [3] - 82:6, 83:5, 83:11</p> <p><b>hi</b> [1] - 29:17</p> <p><b>high</b> [25] - 11:19, 11:28, 12:4, 12:8, 12:11, 12:12, 12:13, 12:14, 12:23, 20:5, 26:1, 26:6, 30:20, 30:25, 30:28, 31:1, 31:24, 36:1, 48:5, 50:17, 53:5, 53:7, 58:4, 71:26</p> <p><b>high-quality</b> [1] - 48:5</p> <p><b>highest</b> [4] - 11:9, 12:2, 12:14, 65:3</p> <p><b>Highway</b> [1] - 16:25</p> <p><b>hill</b> [1] - 74:20</p> <p><b>himself</b> [2] - 75:28, 76:10</p> <p><b>hinders</b> [1] - 33:25</p> <p><b>Historic</b> [1] - 48:10</p> <p><b>history</b> [1] - 26:21</p> <p><b>hit</b> [1] - 20:16</p> <p><b>hold</b> [3] - 11:23, 14:1, 42:20</p> <p><b>Hold</b> [1] - 13:26</p> <p><b>holidays</b> [1] - 79:27</p> <p><b>home</b> [21] - 19:16, 19:19, 20:1, 31:17, 32:26, 33:24, 38:12, 41:17, 46:15, 48:5, 51:24, 65:23, 66:3, 66:7, 66:26, 66:27, 67:26, 68:2, 70:16, 70:20</p> <p><b>homeowners</b> [2] - 23:14, 32:17</p> <p><b>homes</b> [6] - 17:24, 20:22, 32:21, 47:2, 48:8, 49:21</p> <p><b>homework</b> [1] - 41:26</p> <p><b>honest</b> [1] - 55:7</p> <p><b>HOPE</b> [16] - 4:14, 5:5, 7:26, 8:18, 8:27, 21:20, 29:8, 43:21, 48:25, 56:22, 57:4, 62:25, 63:4, 78:20, 79:1, 80:15</p> <p><b>Hope</b> [3] - 2:6, 4:13, 78:28</p> <p><b>hope</b> [5] - 8:26, 16:14, 32:12, 62:24, 68:20</p> <p><b>horrible</b> [1] - 24:6</p> <p><b>hours</b> [1] - 44:14</p> <p><b>house</b> [146] - 13:21, 13:25, 13:28, 14:2, 14:7, 14:10, 14:17, 14:18, 14:20, 15:2, 15:5, 15:10, 17:1, 17:2, 17:10, 17:20, 17:28, 18:7, 19:11, 19:22, 19:28, 20:9, 20:18, 25:14, 26:1, 26:7, 27:3, 27:9, 27:16, 27:21, 28:11, 28:16, 29:15, 29:16, 30:28, 31:12, 31:23, 31:26, 31:28, 32:3, 32:6, 32:7, 32:9, 32:10, 33:3, 33:5, 33:22, 33:23, 34:1, 34:4, 34:8, 34:12, 34:15, 34:18, 35:26, 36:4, 36:5, 36:8, 36:16, 37:4, 37:5, 37:7, 37:15, 37:21, 37:26, 37:27, 37:28, 38:2, 38:10, 38:28, 39:6, 39:7, 39:9, 39:16, 39:17, 40:7, 43:13, 43:26, 44:25, 45:5, 45:24, 46:1, 46:20, 49:2, 49:7, 49:17, 49:24, 50:2, 50:3, 50:13, 50:14, 50:20, 50:25, 50:27, 51:1, 51:10, 51:11, 51:13, 51:16, 51:22, 52:8, 52:11, 52:13, 52:16, 52:17, 52:18, 52:26, 53:8, 53:9, 55:10, 55:12, 55:18, 55:22, 55:23, 55:26, 55:28, 56:2, 56:4, 56:5, 57:24, 58:17, 58:21, 58:25, 58:28, 64:16, 65:2, 65:5, 65:25, 66:6, 66:14, 68:7, 69:11, 71:10, 71:14, 71:15, 71:17, 73:5, 73:9, 73:10, 76:2, 76:7</p> <p><b>houses</b> [33] - 20:7, 20:11, 20:15, 20:16, 20:27, 32:7, 32:14, 35:11, 35:12, 35:13, 36:20, 36:22, 36:23, 36:25, 38:5, 38:6, 38:21, 39:10, 39:21, 45:2, 49:17, 51:20, 51:25, 54:13, 54:14, 56:8, 66:25, 70:2, 71:17, 71:18, 71:26, 74:22</p> <p><b>huge</b> [2] - 40:17, 50:12</p> <p><b>hundred</b> [11] - 10:10, 18:10, 29:1, 31:8, 38:12, 40:5, 40:24, 52:9, 52:11, 52:14, 65:23</p> <p><b>hundreds</b> [2] - 36:24, 36:25</p> <p><b>hurricane</b> [2] - 20:6, 51:3</p> <p><b>hurt</b> [1] - 73:28</p> <p><b>hurting</b> [1] - 41:3</p>
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## BALDWIN COUNTY DISTRICT 2 PLANNING AND ZONING DISTRICT BOARD OF ADJUSTMENT 10/14/2019

<b>husband</b> [1] - 70:8	<b>interested</b> [2] - 71:22, 82:15	48:20, 48:22, 65:27, 66:6, 68:4, 73:1, 76:17, 76:22	6:10, 8:12, 8:23, 8:26, 9:1, 9:4, 9:7, 9:15, 11:21, 11:27, 12:9, 12:19, 13:5, 13:9, 13:13, 13:16, 13:23, 13:26, 14:1, 14:16, 14:23, 14:28, 15:6, 15:15, 15:19, 15:23, 25:19, 25:25, 29:24, 43:3, 57:11, 57:17, 60:15, 62:3, 62:16, 62:21, 62:24, 63:1, 63:6, 63:9, 63:12, 63:15, 63:28, 73:7, 73:11, 73:14, 73:16, 78:13, 78:28, 79:3, 79:6, 79:9, 79:15, 79:24, 80:8, 80:26	12:15, 18:3, 19:5, 19:7, 20:2, 27:14, 30:13, 30:21, 30:25, 31:1, 31:24, 36:2, 50:22, 53:5, 53:7, 58:10, 58:12, 61:10, 64:17, 64:18, 64:19, 64:21, 65:4, 66:3, 69:27, 71:27
<b>I</b>	<b>interfere</b> [1] - 79:28	<b>KOBY</b> [29] - 29:13, 29:26, 30:4, 30:10, 31:15, 34:28, 35:4, 35:16, 36:11, 37:8, 37:13, 37:24, 38:22, 39:5, 39:25, 41:8, 41:11, 41:21, 42:7, 42:23, 43:1, 43:25, 73:3, 73:10, 73:12, 73:15, 73:17, 75:9, 76:23	<b>Lee</b> [2] - 2:9, 43:2	<b>lines</b> [1] - 45:8
<b>illusion</b> [1] - 45:18	<b>intervals</b> [2] - 11:11, 15:26	<b>land</b> [13] - 27:27, 28:3, 28:6, 28:7, 28:14, 28:23, 34:3, 35:22, 58:13, 74:19, 75:20, 75:23, 75:27	<b>left</b> [1] - 74:11	<b>linked</b> [1] - 75:15
<b>impact</b> [2] - 18:5, 24:11	<b>Investment</b> [1] - 64:3	<b>land's</b> [1] - 45:7	<b>legitimate</b> [1] - 68:25	<b>listed</b> [1] - 19:14
<b>impacted</b> [2] - 17:27, 18:12	<b>INVESTMENTS</b> [2] - 9:11, 63:26	<b>landowner</b> [1] - 75:24	<b>length</b> [4] - 31:28, 39:7, 43:15, 55:27	<b>listen</b> [1] - 42:20
<b>impacts</b> [2] - 24:4, 24:5	<b>Investments</b> [2] - 3:13, 3:15	<b>landowners</b> [2] - 22:9, 22:21	<b>less</b> [4] - 58:27, 61:9, 65:28, 66:10	<b>listening</b> [1] - 22:21
<b>impair</b> [5] - 23:19, 23:22, 23:23, 23:28, 33:19	<b>irregular</b> [5] - 17:10, 17:14, 56:15, 66:20, 67:2	<b>lands</b> [1] - 41:5	<b>letting</b> [1] - 55:1	<b>lists</b> [1] - 18:14
<b>impaired</b> [1] - 23:28	<b>irregularity</b> [1] - 55:9	<b>landscape</b> [1] - 48:14	<b>levels</b> [1] - 12:26	<b>live</b> [6] - 29:17, 30:11, 34:7, 50:4, 50:25, 52:13
<b>implement</b> [1] - 22:6	<b>irregularly</b> [1] - 16:20	<b>lane</b> [2] - 47:6, 73:24	<b>License</b> [1] - 83:9	<b>lived</b> [3] - 70:6, 70:8, 70:9
<b>implemented</b> [1] - 23:6	<b>irrelevant</b> [1] - 45:16	<b>large</b> [3] - 15:27, 37:7, 71:19	<b>license</b> [1] - 75:24	<b>living</b> [4] - 44:26, 50:3, 50:5, 50:8
<b>important</b> [2] - 52:6, 53:26	<b>issue</b> [6] - 6:17, 9:18, 34:7, 44:15, 74:25, 74:27	<b>larger</b> [5] - 31:6, 46:1, 58:20, 71:15, 71:16	<b>light</b> [1] - 23:19	<b>lobby</b> [1] - 80:7
<b>imposed</b> [1] - 22:14	<b>issued</b> [2] - 40:12, 71:9	<b>largest</b> [1] - 35:26	<b>LINDA</b> [62] - 4:10, 4:13, 4:16, 4:19, 5:20, 6:10, 8:12, 8:23, 8:26, 9:1, 9:4, 9:7, 9:15, 11:21, 11:27, 12:9, 12:19, 13:5, 13:9, 13:13, 13:16, 13:23, 13:26, 14:1, 14:16, 14:23, 14:28, 15:6, 15:15, 15:19, 15:23, 25:19, 25:25, 29:24, 43:3, 57:11, 57:17, 60:15, 62:3, 62:16, 62:21, 62:24, 63:1, 63:6, 63:9, 63:12, 63:15, 63:28, 69:8, 73:7, 73:11, 73:14, 73:16, 78:13, 78:28, 79:3, 79:6, 79:9, 79:15, 79:24, 80:8, 80:26	<b>local</b> [2] - 16:19, 59:13
<b>impossible</b> [1] - 47:10	<b>issues</b> [1] - 67:24	<b>last</b> [30] - 17:18, 17:21, 22:27, 25:1, 25:7, 25:11, 26:11, 26:28, 30:19, 32:10, 32:13, 32:19, 36:5, 41:11, 42:16, 43:7, 44:3, 44:11, 46:16, 47:26, 49:4, 54:9, 55:28, 58:22, 61:26, 66:13, 66:16, 67:18, 72:16, 76:15	<b>light</b> [1] - 23:19	<b>located</b> [4] - 6:11, 9:27, 31:23, 64:7
<b>improve</b> [1] - 23:25	<b>it'd</b> [1] - 66:12	<b>lawful</b> [1] - 68:25	<b>light</b> [1] - 23:19	<b>locating</b> [1] - 70:2
<b>improved</b> [2] - 23:16, 71:20	<b>it'll</b> [1] - 15:11	<b>laws</b> [1] - 52:28	<b>light</b> [1] - 23:19	<b>location</b> [1] - 66:8
<b>inches</b> [2] - 20:10, 32:6	<b>itself</b> [1] - 75:22	<b>lay</b> [1] - 74:18	<b>light</b> [1] - 23:19	<b>locator</b> [2] - 6:26, 10:1
<b>including</b> [2] - 7:6, 74:23	<b>J</b>	<b>least</b> [2] - 32:24, 56:8	<b>light</b> [1] - 23:19	<b>log</b> [2] - 51:9, 51:10
<b>incorporated</b> [1] - 69:1	<b>John</b> [2] - 54:28, 67:20	<b>leave</b> [1] - 44:19	<b>light</b> [1] - 23:19	<b>logic</b> [1] - 50:15
<b>incorrect</b> [1] - 30:19	<b>JOHN</b> [5] - 55:1, 55:16, 56:26, 65:20, 67:9	<b>leaves</b> [1] - 69:20	<b>light</b> [1] - 23:19	<b>London</b> [1] - 74:26
<b>increase</b> [4] - 23:21, 23:22, 34:4, 47:3	<b>John's</b> [1] - 68:7	<b>LEE</b> [61] - 4:10, 4:13, 4:16, 4:19, 5:20,	<b>light</b> [1] - 23:19	<b>look</b> [6] - 11:22, 15:24, 55:8, 55:24, 66:6, 68:6
<b>increases</b> [1] - 33:18	<b>JR</b> [4] - 49:1, 54:22, 76:28, 77:7		<b>light</b> [1] - 23:19	<b>looked</b> [1] - 20:8
<b>increments</b> [1] - 55:25	<b>Jr</b> [1] - 49:2		<b>light</b> [1] - 23:19	<b>looking</b> [5] - 11:19, 25:28, 49:13, 55:4, 71:8
<b>independently</b> [1] - 29:23	<b>jubilee</b> [1] - 70:21		<b>light</b> [1] - 23:19	<b>looks</b> [1] - 12:3
<b>Indicates</b> [3] - 7:27, 57:5, 62:26	<b>K</b>		<b>light</b> [1] - 23:19	<b>Lords</b> [1] - 74:26
<b>indicates</b> [8] - 21:21, 26:4, 29:9, 43:22, 48:26, 56:23, 78:13, 78:21	<b>keep</b> [7] - 48:7, 48:9, 53:15, 53:18, 55:11, 55:17, 69:23		<b>light</b> [1] - 23:19	<b>lose</b> [1] - 52:25
<b>individual</b> [1] - 75:15	<b>Kenny</b> [2] - 7:17, 7:19		<b>light</b> [1] - 23:19	<b>loss</b> [3] - 18:20, 18:22, 33:17
<b>inexpensive</b> [1] - 32:24	<b>KENNY</b> [3] - 7:19, 8:2, 43:11		<b>light</b> [1] - 23:19	<b>lot's</b> [1] - 49:9
<b>inflict</b> [1] - 34:17	<b>kept</b> [1] - 71:6		<b>light</b> [1] - 23:19	<b>loved</b> [1] - 70:18
<b>information</b> [5] - 9:24, 42:6, 42:15, 54:3, 55:20	<b>key</b> [1] - 46:12		<b>light</b> [1] - 23:19	<b>lovely</b> [1] - 68:27
<b>inhabitants</b> [2] - 24:2, 33:20	<b>kids</b> [2] - 52:24, 52:25		<b>light</b> [1] - 23:19	<b>LTD</b> [2] - 9:11, 63:26
<b>inside</b> [1] - 50:17	<b>kin</b> [1] - 82:14		<b>light</b> [1] - 23:19	<b>Ltd</b> [2] - 3:13, 3:15
<b>instead</b> [1] - 75:15	<b>kind</b> [4] - 11:18, 36:28, 68:21, 75:1		<b>light</b> [1] - 23:19	<b>luxurious</b> [1] - 23:15
<b>insurance</b> [3] - 74:25, 74:26	<b>kitchen</b> [1] - 39:13		<b>light</b> [1] - 23:19	
<b>intended</b> [4] - 22:1, 48:16, 49:28, 50:1	<b>knowledge</b> [1] - 44:22		<b>light</b> [1] - 23:19	<b>M</b>
	<b>Koby</b> [15] - 29:12, 29:17, 34:25, 35:6, 43:24, 43:26, 43:27,		<b>light</b> [1] - 23:19	<b>Main</b> [1] - 1:14
			<b>light</b> [1] - 23:19	<b>main</b> [1] - 51:1
			<b>light</b> [1] - 23:19	<b>maintain</b> [2] - 26:22, 26:25
			<b>light</b> [1] - 23:19	<b>major</b> [1] - 47:26
			<b>light</b> [1] - 23:19	<b>mandates</b> [1] - 19:3

## BALDWIN COUNTY DISTRICT 2 PLANNING AND ZONING DISTRICT BOARD OF ADJUSTMENT 10/14/2019

<b>map</b> [2] - 6:26, 10:1 <b>Mary</b> [1] - 2:6 <b>MARY</b> [16] - 4:14, 5:5, 7:26, 8:18, 8:27, 21:20, 29:8, 43:21, 48:25, 56:22, 57:4, 62:25, 63:4, 78:20, 79:1, 80:15 <b>massive</b> [1] - 49:22 <b>master</b> [2] - 38:16, 38:17 <b>matter</b> [2] - 27:8, 44:13 <b>mean</b> [33] - 11:19, 11:28, 12:3, 12:8, 12:11, 12:13, 12:14, 26:1, 26:6, 30:20, 30:24, 30:28, 31:1, 31:24, 36:1, 36:18, 38:18, 39:20, 39:28, 40:8, 49:22, 50:6, 52:13, 53:1, 53:5, 53:7, 53:12, 57:25, 58:3, 60:11, 70:23, 75:1, 76:4 <b>meaning</b> [2] - 45:26, 48:12 <b>means</b> [3] - 14:28, 50:16, 82:9 <b>measurement</b> [1] - 12:1 <b>measurements</b> [2] - 11:10, 15:26 <b>Meers</b> [1] - 70:23 <b>meet</b> [2] - 20:25, 61:3 <b>MEETING</b> [2] - 4:24, 79:23 <b>Meeting</b> [3] - 3:6, 3:18, 83:7 <b>meeting</b> [29] - 4:6, 4:28, 17:21, 25:12, 26:26, 31:4, 32:13, 32:19, 43:4, 43:7, 43:8, 44:3, 46:16, 47:16, 49:10, 49:16, 55:19, 55:20, 56:17, 58:23, 61:26, 66:5, 66:16, 72:16, 79:20, 79:28, 81:2, 82:11, 82:12 <b>meeting's</b> [1] - 47:25 <b>meetings</b> [2] - 43:28, 47:24 <b>meets</b> [1] - 61:21 <b>MEMBER</b> [83] - 4:14, 4:17, 5:2, 5:5, 7:24, 7:26, 8:14, 8:18, 8:27, 9:2, 11:17, 11:25, 12:6, 13:19, 13:24, 13:27, 14:12,	14:19, 14:26, 15:4, 15:12, 15:16, 15:20, 21:18, 21:20, 24:19, 24:25, 25:15, 25:23, 27:6, 28:2, 28:10, 28:17, 29:6, 29:8, 30:2, 34:26, 36:6, 36:13, 37:9, 37:17, 38:8, 39:1, 39:23, 40:10, 41:9, 41:14, 41:22, 42:9, 42:25, 43:9, 43:17, 43:21, 48:23, 48:25, 54:18, 56:20, 56:22, 57:2, 57:4, 60:14, 62:4, 62:8, 62:12, 62:25, 63:4, 63:7, 65:13, 67:5, 68:14, 72:10, 72:22, 76:18, 78:2, 78:11, 78:14, 78:18, 78:20, 78:22, 79:1, 79:4, 80:12, 80:15 <b>Member</b> [1] - 46:16 <b>Members</b> [2] - 5:9, 80:18 <b>MEMBERS</b> [1] - 2:3 <b>memory</b> [1] - 44:7 <b>mention</b> [2] - 20:24, 67:14 <b>mentioned</b> [3] - 35:9, 38:18, 69:10 <b>merely</b> [2] - 18:18, 33:15 <b>merit</b> [4] - 56:15, 66:17, 66:20, 67:1 <b>merits</b> [1] - 59:20 <b>met</b> [3] - 19:17, 22:24, 31:25 <b>metrics</b> [1] - 46:19 <b>mic</b> [1] - 63:3 <b>Michael</b> [1] - 2:5 <b>MICHAEL</b> [66] - 4:17, 5:2, 7:24, 8:14, 9:2, 11:17, 11:25, 12:6, 13:19, 13:24, 13:27, 14:12, 14:19, 14:26, 15:4, 15:12, 15:16, 15:20, 21:18, 24:19, 24:25, 25:15, 25:23, 27:6, 28:2, 28:10, 28:17, 29:6, 30:2, 34:26, 36:6, 36:13, 37:9, 37:17, 38:8, 39:1, 39:23, 40:10, 41:9, 41:14, 41:22, 42:9, 42:25, 43:9, 43:17, 48:23, 54:18, 56:20, 57:2, 62:4, 62:8, 62:12, 63:7, 65:13, 67:5, 68:14,	72:10, 72:22, 76:18, 78:2, 78:11, 78:14, 78:18, 78:22, 79:4, 80:12 <b>middle</b> [1] - 15:25 <b>might</b> [2] - 11:21, 33:19 <b>mile</b> [1] - 70:18 <b>million</b> [1] - 40:27 <b>mind</b> [5] - 19:11, 25:2, 25:6, 77:5, 80:3 <b>mine</b> [1] - 51:12 <b>minimum</b> [4] - 10:11, 44:22, 57:28, 58:2 <b>minus</b> [2] - 66:11, 69:13 <b>minute</b> [1] - 42:16 <b>MINUTES</b> [1] - 4:24 <b>Minutes</b> [1] - 3:6 <b>minutes</b> [8] - 4:28, 5:4, 5:14, 25:11, 47:18, 60:23, 83:6, 83:8 <b>misleading</b> [2] - 45:18, 60:18 <b>mistaken</b> [1] - 14:3 <b>mom</b> [1] - 53:26 <b>moment</b> [1] - 79:25 <b>Monday</b> [2] - 79:26, 80:1 <b>monetary</b> [1] - 30:17 <b>money</b> [1] - 52:22 <b>Monica</b> [3] - 43:24, 43:26, 76:22 <b>MONICA</b> [2] - 43:25, 76:23 <b>month</b> [3] - 53:19, 79:26, 80:1 <b>Monthly</b> [1] - 83:6 <b>months</b> [3] - 17:18, 17:21, 67:18 <b>MONTIEL</b> [6] - 9:11, 21:28, 24:21, 63:26, 68:19, 69:8 <b>Montiel</b> [11] - 3:12, 3:14, 21:27, 24:18, 64:3, 65:7, 65:9, 68:18, 69:6, 72:9, 77:2 <b>Montrose</b> [10] - 21:11, 26:13, 26:23, 32:15, 32:25, 37:1, 48:10, 51:19, 52:3, 68:27 <b>morals</b> [2] - 24:1, 33:20 <b>most</b> [3] - 32:17, 39:15, 74:6 <b>motion</b> [18] - 5:3, 8:16, 9:7, 60:2, 60:3, 60:11, 62:11, 62:13,	63:1, 63:16, 78:15, 78:17, 78:19, 78:24, 79:9, 80:2, 80:10, 80:13 <b>move</b> [2] - 39:8, 70:14 <b>moved</b> [2] - 26:28, 70:8 <b>moving</b> [2] - 27:24, 67:21 <b>MR</b> [55] - 7:19, 8:2, 16:7, 21:24, 25:3, 25:9, 25:21, 25:27, 26:5, 27:26, 28:8, 28:15, 28:24, 28:28, 29:13, 29:26, 30:4, 30:10, 31:15, 34:28, 35:4, 35:16, 36:11, 37:8, 37:13, 37:24, 38:22, 39:5, 39:25, 41:8, 41:11, 41:21, 42:7, 42:23, 43:1, 43:11, 49:1, 54:22, 55:1, 55:16, 56:26, 65:20, 67:9, 67:12, 72:14, 72:20, 72:27, 73:3, 73:10, 73:12, 73:15, 73:17, 75:9, 76:28, 77:7 <b>MS</b> [71] - 4:10, 4:13, 4:16, 4:19, 5:20, 6:10, 8:12, 8:23, 8:26, 9:1, 9:4, 9:7, 9:15, 11:21, 11:27, 12:9, 12:19, 13:5, 13:9, 13:13, 13:16, 13:23, 13:26, 14:1, 14:16, 14:23, 14:28, 15:6, 15:15, 15:19, 15:23, 21:28, 24:21, 25:19, 25:25, 29:24, 43:3, 43:25, 54:25, 57:11, 57:17, 60:15, 62:3, 62:16, 62:21, 62:24, 63:1, 63:6, 63:9, 63:12, 63:15, 63:28, 64:2, 68:19, 69:8, 73:7, 73:11, 73:14, 73:16, 76:23, 77:26, 78:10, 78:13, 78:28, 79:3, 79:6, 79:9, 79:15, 79:24, 80:8, 80:26 <b>multiple</b> [1] - 34:13 <b>Murphy</b> [10] - 16:6, 16:7, 49:7, 49:10, 51:4, 57:12, 59:9, 67:11, 67:12, 68:13 <b>MURPHY</b> [3] - 16:7, 21:24, 67:12 <b>Murphy's</b> [2] - 65:21,	65:25 <b>must</b> [8] - 10:18, 32:25, 45:19, 47:6, 55:7, 75:17, 75:21, 75:26  <b>N</b>  <b>name</b> [9] - 5:25, 5:27, 6:2, 16:7, 25:1, 25:8, 29:17, 49:1 <b>narrow</b> [4] - 16:20, 58:7, 59:6, 61:20 <b>narrower</b> [1] - 74:8 <b>narrowing</b> [1] - 70:4 <b>narrowness</b> [9] - 11:13, 16:22, 16:28, 18:15, 18:22, 21:6, 28:6, 58:14, 59:5 <b>naturally</b> [1] - 57:23 <b>nature</b> [1] - 36:4 <b>near</b> [1] - 27:14 <b>necessary</b> [3] - 18:17, 33:14, 75:25 <b>need</b> [13] - 5:23, 5:25, 5:27, 13:21, 14:21, 34:16, 42:13, 56:7, 63:2, 79:20, 80:2, 80:9 <b>needed</b> [2] - 24:6, 55:19 <b>needs</b> [1] - 27:15 <b>negatively</b> [10] - 7:27, 21:21, 29:9, 43:22, 48:26, 56:23, 57:5, 62:26, 78:13, 78:21 <b>negligently</b> [1] - 48:9 <b>neighbor</b> [3] - 19:14, 26:28, 35:14 <b>neighbor's</b> [1] - 77:20 <b>neighborhood</b> [10] - 17:25, 18:11, 23:17, 23:24, 34:10, 35:10, 48:13, 66:24, 71:17, 71:20 <b>neighbors</b> [8] - 19:17, 20:18, 20:25, 32:19, 47:14, 70:22, 70:28, 71:6 <b>neighbors'</b> [2] - 24:3, 24:10 <b>never</b> [5] - 26:13, 52:27, 69:22, 69:23, 71:9 <b>new</b> [10] - 6:16, 9:17, 9:26, 23:13, 31:6, 50:9, 67:25, 71:16, 71:18, 79:19 <b>NEW</b> [1] - 79:17
--	---	---	---	---

## BALDWIN COUNTY DISTRICT 2 PLANNING AND ZONING DISTRICT BOARD OF ADJUSTMENT 10/14/2019

<p><b>New</b> [1] - 3:17  <b>next</b> [19] - 9:14, 21:26, 24:28, 26:18, 27:1, 29:12, 30:4, 43:24, 48:28, 54:24, 54:27, 63:28, 67:11, 68:9, 68:17, 72:13, 73:2, 76:22, 77:25  <b>Next</b> [1] - 76:27  <b>nice</b> [5] - 27:2, 50:7, 52:17, 71:14, 71:19  <b>nine</b> [20] - 10:7, 10:22, 11:4, 14:3, 14:6, 14:14, 14:25, 15:3, 17:9, 20:10, 40:3, 49:6, 49:26, 49:27, 51:5, 51:6, 52:14, 64:23, 66:4, 76:2  <b>nine-and-a-half</b> [1] - 51:6  <b>ninety</b> [3] - 31:9, 40:8, 40:11  <b>ninety-two</b> [1] - 31:9  <b>NO</b> [3] - 6:6, 9:11, 63:26  <b>nobody</b> [1] - 54:6  <b>nonconforming</b> [2] - 10:14, 23:4  <b>none</b> [1] - 54:19  <b>norm</b> [2] - 23:13, 71:16  <b>normally</b> [1] - 39:10  <b>north</b> [19] - 9:18, 10:3, 17:28, 18:1, 19:10, 19:13, 20:2, 20:9, 20:18, 30:11, 35:15, 49:3, 59:22, 60:1, 64:27, 70:19, 73:19, 74:15  <b>northeast</b> [3] - 10:23, 14:8, 64:16  <b>northern</b> [1] - 29:28  <b>northwest</b> [2] - 10:26, 64:17  <b>nothing</b> [5] - 32:28, 70:25, 73:22, 77:10, 77:18  <b>nothing's</b> [1] - 53:3  <b>notice</b> [1] - 75:21  <b>noticed</b> [1] - 42:1  <b>Number</b> [5] - 1:16, 7:10, 11:14, 65:8, 75:3  <b>numbers</b> [1] - 15:24</p>	<p><b>obscure</b> [1] - 68:5  <b>obstruct</b> [1] - 19:27  <b>October</b> [4] - 1:5, 1:13, 26:11, 83:6  <b>OF</b> [187] - 1:4, 2:3, 4:4, 4:11, 4:14, 4:17, 4:21, 4:24, 4:26, 5:2, 5:5, 5:7, 5:10, 5:13, 5:16, 5:18, 6:4, 6:7, 7:12, 7:15, 7:22, 7:24, 7:26, 7:28, 8:4, 8:8, 8:14, 8:18, 8:20, 8:24, 8:27, 9:2, 9:5, 9:8, 9:13, 11:17, 11:25, 12:6, 12:16, 13:3, 13:6, 13:10, 13:14, 13:17, 13:19, 13:24, 13:27, 14:12, 14:19, 14:26, 15:4, 15:12, 15:16, 15:20, 16:1, 16:4, 21:16, 21:18, 21:20, 21:22, 21:25, 24:17, 24:19, 24:22, 24:25, 24:27, 25:5, 25:23, 26:3, 27:6, 27:28, 28:2, 28:10, 28:17, 28:21, 28:26, 29:4, 29:6, 29:8, 29:10, 29:22, 29:27, 30:2, 30:8, 31:13, 34:24, 34:26, 35:2, 35:5, 36:6, 36:13, 37:9, 37:17, 38:8, 39:1, 39:23, 40:10, 41:9, 41:14, 41:22, 42:9, 43:9, 43:17, 43:19, 43:21, 43:23, 48:21, 48:23, 48:25, 48:27, 54:16, 54:18, 54:20, 54:23, 54:26, 55:13, 56:18, 56:20, 56:22, 56:24, 56:27, 57:2, 57:4, 57:6, 57:14, 62:1, 62:4, 62:6, 62:8, 62:10, 62:14, 62:19, 62:22, 62:25, 62:27, 63:4, 63:7, 63:10, 63:13, 65:11, 65:13, 65:15, 67:3, 67:5, 67:7, 67:10, 68:12, 68:14, 68:16, 69:5, 72:8, 72:10, 72:12, 72:18, 72:22, 72:24, 72:28, 75:6, 76:16, 76:18, 76:20, 76:25, 77:4, 77:23, 77:27, 78:2, 78:4, 78:8, 78:11, 78:14, 78:16, 78:18, 78:20, 78:22, 78:26, 79:1, 79:4,</p>	<p>79:7, 79:13, 79:18, 79:23, 80:4, 80:12, 80:16, 80:19, 80:24, 82:3  <b>offer</b> [2] - 22:8, 70:12  <b>official</b> [1] - 60:25  <b>offset</b> [1] - 67:27  <b>OLD</b> [1] - 79:12  <b>Old</b> [1] - 3:16  <b>old</b> [4] - 41:1, 50:26, 51:17, 79:14  <b>older</b> [1] - 70:15  <b>one</b> [54] - 11:3, 11:22, 11:23, 14:11, 16:12, 17:3, 18:10, 19:24, 20:3, 20:23, 22:4, 25:19, 25:20, 25:22, 25:26, 26:14, 26:19, 26:21, 29:20, 29:25, 30:3, 30:11, 30:13, 31:27, 35:28, 40:5, 50:1, 50:8, 51:16, 60:5, 60:8, 60:13, 61:25, 63:16, 64:18, 64:20, 66:2, 67:14, 67:28, 69:13, 70:9, 70:16, 71:6, 71:22, 73:7, 73:8, 73:14, 73:19, 75:1, 75:3, 75:9, 75:13, 79:10  <b>one-and-a-half</b> [1] - 26:19  <b>one-size-fits-all</b> [1] - 22:4  <b>ones</b> [1] - 66:23  <b>open</b> [3] - 7:16, 16:5, 65:17  <b>opinion</b> [8] - 23:25, 57:21, 57:23, 58:5, 58:13, 58:27, 72:5  <b>opportunity</b> [1] - 67:20  <b>opposed</b> [5] - 5:11, 30:14, 44:9, 69:9, 80:20  <b>opposition</b> [1] - 32:20  <b>options</b> [1] - 49:11  <b>ORDER</b> [1] - 4:3  <b>order</b> [2] - 4:6, 30:25  <b>Order.....</b>  - [1] - 3:4  <b>ordinance</b> [16] - 16:15, 17:6, 21:7, 21:10, 21:11, 21:12, 33:10, 46:4, 57:27, 58:1, 58:8, 59:4, 61:5, 75:18  <b>Ordinance</b> [3] - 33:12, 34:20, 64:13  <b>ordinances</b> [3] -</p>	<p>17:12, 34:11, 35:24  <b>original</b> [2] - 50:27, 70:6  <b>originally</b> [1] - 13:8  <b>ourselves</b> [1] - 55:7  <b>overly</b> [1] - 45:5  <b>own</b> [4] - 43:26, 52:9, 59:13, 59:20  <b>owner</b> [9] - 16:23, 23:12, 31:22, 33:4, 34:17, 46:2, 70:3, 75:27, 76:10  <b>owners</b> [1] - 22:5  <b>owns</b> [1] - 49:2</p>	<p><b>personally</b> [1] - 24:9  <b>perspective</b> [2] - 19:2, 19:12  <b>persuade</b> [1] - 61:14  <b>pertains</b> [1] - 64:13  <b>petition</b> [2] - 44:4, 44:8  <b>photography</b> [2] - 6:27, 10:1  <b>physically</b> [1] - 45:15  <b>picture</b> [5] - 6:27, 10:2, 25:16, 59:24, 64:26  <b>pictures</b> [1] - 74:11  <b>piece</b> [8] - 16:28, 27:27, 28:23, 32:27, 39:26, 40:1, 40:3, 40:5  <b>pieces</b> [1] - 39:28  <b>pilings</b> [4] - 20:8, 20:13, 20:18, 51:5  <b>place</b> [4] - 21:8, 48:7, 52:27, 70:27  <b>plan</b> [24] - 7:2, 11:7, 30:19, 31:3, 31:5, 31:6, 31:7, 32:9, 32:10, 33:25, 35:1, 35:13, 35:17, 35:27, 36:2, 39:20, 43:1, 43:3, 55:10, 65:6, 68:10, 73:5, 73:12, 74:4  <b>Planner</b> [1] - 2:9  <b>planning</b> [1] - 23:6  <b>PLANNING</b> [2] - 1:4, 2:7  <b>Planning</b> [8] - 2:10, 6:12, 9:28, 16:18, 22:1, 59:16, 63:22, 64:8  <b>plans</b> [2] - 45:25, 49:23  <b>plat</b> [1] - 65:1  <b>platted</b> [2] - 23:5, 69:24  <b>play</b> [2] - 52:24, 52:25  <b>plenty</b> [2] - 38:3, 39:21  <b>plot</b> [1] - 55:24  <b>plus</b> [3] - 29:1, 44:27, 69:13  <b>podium</b> [1] - 5:26  <b>Point</b> [1] - 16:25  <b>point</b> [41] - 10:22, 10:24, 10:25, 10:27, 11:3, 11:4, 14:3, 14:6, 14:11, 14:13, 14:14, 14:25, 15:3, 15:18, 18:9, 25:28, 27:13, 27:22, 27:23, 29:15, 31:26, 33:2,</p>
<b>P</b>				
<p><b>p.m</b> [1] - 81:2  <b>packet</b> [1] - 43:5  <b>paid</b> [2] - 29:13, 42:19  <b>Palmer</b> [1] - 1:15  <b>parcel</b> [3] - 11:13, 75:20, 75:22  <b>parents</b> [2] - 51:22, 70:21  <b>part</b> [4] - 13:2, 47:12, 47:17, 47:21  <b>particular</b> [4] - 16:19, 21:8, 39:27, 51:27  <b>parties</b> [2] - 82:11, 82:14  <b>party</b> [1] - 63:18  <b>pass</b> [3] - 6:2, 54:25, 77:26  <b>passed</b> [1] - 45:14  <b>past</b> [2] - 58:18, 74:21  <b>PAT</b> [3] - 16:7, 21:24, 67:12  <b>Pat</b> [2] - 16:7, 67:12  <b>penny</b> [1] - 42:19  <b>people</b> [17] - 23:9, 35:21, 39:15, 41:3, 41:16, 41:18, 41:26, 49:21, 53:14, 54:9, 56:13, 59:18, 60:6, 60:9, 70:6, 70:24, 71:7  <b>people's</b> [2] - 35:20, 77:16  <b>per</b> [3] - 8:16, 19:9, 78:24  <b>percent</b> [4] - 17:23, 18:10, 40:11, 40:15  <b>permanent</b> [2] - 70:7, 70:10  <b>person</b> [4] - 16:6, 21:26, 27:17, 65:18  <b>personal</b> [3] - 24:15, 33:9, 75:24</p>				
<b>O</b>				
<p><b>objection</b> [2] - 18:24, 20:6</p>				

## BALDWIN COUNTY DISTRICT 2 PLANNING AND ZONING DISTRICT BOARD OF ADJUSTMENT 10/14/2019

<p>36:12, 36:14, 37:3, 37:11, 38:20, 42:3, 43:14, 46:7, 47:26, 64:18, 64:20, 64:23, 66:2, 66:4, 66:10, 66:16, 73:19, 76:2, 76:6</p> <p><b>point's</b> [1] - 56:3</p> <p><b>pointed</b> [1] - 54:12</p> <p><b>points</b> [5] - 16:11, 17:17, 47:23, 55:6, 55:22</p> <p><b>policies</b> [2] - 67:17, 67:25</p> <p><b>populations</b> [1] - 22:3</p> <p><b>porch</b> [2] - 19:20, 65:24</p> <p><b>portion</b> [2] - 14:20, 14:24</p> <p><b>position</b> [2] - 58:15, 61:18</p> <p><b>potential</b> [4] - 17:19, 20:5, 24:4, 70:5</p> <p><b>precedent</b> [2] - 32:12, 47:25</p> <p><b>preexisting</b> [1] - 10:16</p> <p><b>prepared</b> [2] - 43:28, 83:8</p> <p><b>presence</b> [1] - 7:5</p> <p><b>PRESENT</b> [2] - 2:3, 2:8</p> <p><b>present</b> [1] - 22:5</p> <p><b>presented</b> [6] - 9:20, 16:23, 31:4, 31:5, 43:8, 64:1</p> <p><b>preservation</b> [2] - 18:18, 33:15</p> <p><b>preserve</b> [1] - 52:24</p> <p><b>preserves</b> [1] - 23:11</p> <p><b>pretty</b> [3] - 36:21, 74:18, 76:14</p> <p><b>preventing</b> [1] - 73:22</p> <p><b>Previous</b> [1] - 3:6</p> <p><b>PREVIOUS</b> [1] - 4:24</p> <p><b>previous</b> [12] - 4:28, 7:4, 26:26, 31:4, 31:7, 35:11, 43:28, 47:16, 47:24, 47:28, 72:15, 75:12</p> <p><b>previously</b> [1] - 26:25</p> <p><b>priced</b> [1] - 50:17</p> <p><b>privacy</b> [1] - 33:28</p> <p><b>private</b> [1] - 48:8</p> <p><b>problem</b> [7] - 15:10, 26:8, 26:26, 27:4, 51:12, 74:17, 76:8</p> <p><b>problems</b> [3] - 26:16, 34:5, 36:28</p> <p><b>proceed</b> [5] - 4:7, 4:27, 6:8, 8:21, 8:25</p>	<p><b>proceeding</b> [1] - 9:14</p> <p><b>PROCEEDINGS</b> [1] - 1:2</p> <p><b>proceedings</b> [3] - 1:12, 82:8, 82:16</p> <p><b>process</b> [5] - 22:8, 44:5, 48:19, 55:3, 66:19</p> <p><b>produces</b> [1] - 75:18</p> <p><b>professional</b> [1] - 44:18</p> <p><b>proper</b> [1] - 30:25</p> <p><b>properties</b> [6] - 10:12, 23:20, 34:6, 40:15, 41:4, 45:10</p> <p><b>PROPERTY</b> [3] - 6:6, 9:12, 63:27</p> <p><b>Property</b> [4] - 3:11, 6:11, 64:3, 65:9</p> <p><b>property</b> [113] - 6:11, 6:13, 6:20, 6:22, 6:28, 7:1, 7:7, 9:27, 10:2, 10:3, 10:4, 10:6, 10:15, 10:23, 10:26, 10:28, 11:2, 13:28, 14:9, 14:10, 14:24, 16:23, 16:28, 17:19, 17:26, 17:28, 18:3, 18:6, 18:18, 19:5, 19:6, 19:11, 19:15, 20:2, 20:10, 20:24, 21:1, 21:3, 22:5, 23:11, 23:24, 23:26, 23:27, 26:9, 26:18, 27:1, 29:18, 30:12, 30:13, 31:19, 31:22, 32:23, 32:27, 33:1, 33:4, 33:15, 34:9, 34:12, 34:16, 34:17, 35:19, 35:21, 35:22, 36:17, 37:4, 37:14, 37:25, 39:26, 39:28, 40:1, 40:9, 43:14, 43:15, 43:27, 45:22, 46:21, 46:27, 49:5, 59:5, 59:6, 60:1, 61:10, 61:25, 64:7, 64:9, 64:17, 64:18, 64:19, 64:21, 64:26, 64:27, 64:28, 65:7, 66:2, 68:3, 69:22, 69:27, 70:12, 70:18, 71:2, 71:7, 71:12, 71:14, 74:15, 74:22, 75:2, 75:16, 77:16, 77:18, 77:20, 77:21</p> <p><b>Property.....</b> [2] - 3:13, 3:15</p> <p><b>proposal</b> [1] - 56:16</p>	<p><b>proposed</b> [9] - 6:18, 6:23, 7:2, 10:21, 11:2, 11:6, 11:7, 65:4, 68:4</p> <p><b>proposing</b> [4] - 14:2, 14:7, 59:10, 67:27</p> <p><b>prospective</b> [3] - 31:22, 34:15, 46:2</p> <p><b>protection</b> [2] - 18:28, 61:11</p> <p><b>prove</b> [2] - 46:19, 46:23</p> <p><b>proven</b> [1] - 56:14</p> <p><b>provide</b> [1] - 22:2</p> <p><b>provided</b> [1] - 44:23</p> <p><b>provides</b> [2] - 32:18, 57:27</p> <p><b>provision</b> [2] - 16:19, 59:17</p> <p><b>provisions</b> [1] - 59:13</p> <p><b>public</b> [11] - 7:17, 8:9, 16:5, 22:21, 23:21, 23:23, 24:10, 46:27, 57:7, 65:17, 78:5</p> <p><b>public's</b> [1] - 47:12</p> <p><b>published</b> [1] - 17:7</p> <p><b>pull</b> [3] - 73:5, 73:8, 74:4</p> <p><b>pump</b> [1] - 74:13</p> <p><b>purchase</b> [1] - 70:17</p> <p><b>purpose</b> [3] - 22:28, 32:28, 45:27</p> <p><b>push</b> [2] - 29:2, 46:7</p> <p><b>put</b> [21] - 20:27, 24:3, 35:27, 35:28, 36:2, 36:5, 37:23, 37:24, 38:26, 39:17, 42:13, 44:16, 50:14, 52:7, 52:17, 53:8, 53:9, 55:4, 59:15, 66:14, 71:1</p> <p><b>puts</b> [2] - 50:22, 77:11</p> <p><b>putting</b> [2] - 71:2, 73:23</p>	<p>67:4, 68:13, 72:9, 72:25, 76:17, 78:1, 78:6</p> <p><b>quick</b> [1] - 51:3</p> <p><b>quite</b> [1] - 14:15</p> <p><b>quorum</b> [1] - 4:20</p>	<p>44:15, 69:24, 72:1</p> <p><b>reduce</b> [1] - 39:6</p> <p><b>reduces</b> [2] - 33:28, 34:2</p> <p><b>reference</b> [2] - 75:19, 75:21</p> <p><b>referring</b> [2] - 25:18, 69:23</p> <p><b>refresh</b> [1] - 44:7</p> <p><b>regarding</b> [4] - 17:19, 24:4, 24:11, 67:15</p> <p><b>regulations</b> [2] - 22:4, 31:2</p> <p><b>reheard</b> [1] - 22:27</p> <p><b>rehearing</b> [2] - 9:23, 61:25</p> <p><b>reiterate</b> [1] - 72:3</p> <p><b>relate</b> [1] - 75:27</p> <p><b>relief</b> [2] - 22:8, 59:15</p> <p><b>relieved</b> [1] - 31:3</p> <p><b>remember</b> [1] - 47:22</p> <p><b>repeat</b> [2] - 25:10, 25:12</p> <p><b>report</b> [1] - 14:5</p> <p><b>Reporter</b> [3] - 1:16, 82:22, 83:9</p> <p><b>reporter</b> [3] - 5:28, 25:7, 41:27</p> <p><b>represent</b> [1] - 31:19</p> <p><b>representing</b> [1] - 7:20</p> <p><b>represents</b> [1] - 82:10</p> <p><b>request</b> [15] - 7:3, 11:13, 27:2, 30:26, 32:11, 32:20, 41:12, 45:27, 45:28, 46:9, 47:28, 64:4, 64:22, 71:24, 72:5</p> <p><b>requested</b> [6] - 5:4, 9:23, 11:11, 15:13, 19:14, 20:26</p> <p><b>requesting</b> [6] - 6:15, 9:16, 20:20, 58:20, 64:11, 64:15</p> <p><b>REQUESTS</b> [1] - 6:4</p> <p><b>requests</b> [1] - 19:24</p> <p><b>Requests.....</b> [1] - 3:10</p> <p><b>require</b> [5] - 30:24, 52:16, 61:2, 61:6, 61:11</p> <p><b>required</b> [4] - 12:27, 22:24, 30:21, 47:4</p> <p><b>requirement</b> [2] - 6:17, 9:18</p> <p><b>requirements</b> [5] - 10:19, 44:21, 59:7, 61:21, 70:1</p> <p><b>requires</b> [4] - 6:25, 58:8, 60:27, 61:7</p>
<b>R</b>				
<p><b>rain</b> [1] - 74:14</p> <p><b>raining</b> [1] - 74:12</p> <p><b>raise</b> [1] - 47:11</p> <p><b>raised</b> [1] - 48:14</p> <p><b>ran</b> [1] - 67:24</p> <p><b>range</b> [1] - 39:22</p> <p><b>rare</b> [1] - 45:10</p> <p><b>rather</b> [1] - 75:27</p> <p><b>re</b> [1] - 9:25</p> <p><b>re-hearing</b> [1] - 9:25</p> <p><b>reach</b> [2] - 12:10, 58:3</p> <p><b>read</b> [3] - 25:11, 31:11, 44:2</p> <p><b>real</b> [2] - 34:1, 34:2</p> <p><b>realizing</b> [1] - 22:4</p> <p><b>really</b> [12] - 23:16, 26:13, 30:6, 31:11, 36:16, 36:22, 36:23, 46:17, 53:3, 71:20, 71:25</p> <p><b>realtors</b> [1] - 71:5</p> <p><b>rear</b> [4] - 6:18, 6:20, 6:23, 6:25</p> <p><b>reason</b> [11] - 16:19, 21:9, 32:23, 33:10, 42:27, 45:6, 45:13, 46:9, 53:6, 53:10, 64:22</p> <p><b>reasonable</b> [8] - 7:3, 11:12, 15:9, 22:8, 37:3, 58:20, 58:26, 58:28</p> <p><b>reasons</b> [3] - 33:9, 68:22, 68:25</p> <p><b>received</b> [1] - 43:5</p> <p><b>recently</b> [1] - 32:2</p> <p><b>recommend</b> [1] - 58:7</p> <p><b>recommendation</b> [3] - 13:11, 23:10, 61:22</p> <p><b>recommendations</b> [3] - 8:17, 58:18, 78:25</p> <p><b>recommended</b> [4] - 22:25, 58:19, 61:18, 68:24</p> <p><b>recommends</b> [3] - 7:9, 11:14, 65:8</p> <p><b>record</b> [3] - 10:16, 25:7, 63:17</p> <p><b>recorded</b> [1] - 69:25</p> <p><b>Red</b> [5] - 22:14, 23:7,</p>				
<b>Q</b>				
<p><b>qualify</b> [2] - 22:12, 34:19</p> <p><b>quality</b> [1] - 48:5</p> <p><b>questions</b> [32] - 6:3, 7:11, 7:13, 7:23, 8:11, 8:15, 11:15, 13:18, 16:2, 21:15, 21:17, 24:18, 24:24, 24:26, 27:5, 29:5, 34:25, 43:20, 48:22, 54:17, 56:19, 56:28, 65:10, 65:12, 66:5,</p>				

## BALDWIN COUNTY DISTRICT 2 PLANNING AND ZONING DISTRICT BOARD OF ADJUSTMENT 10/14/2019

<b>research</b> <sup>[1]</sup> - 75:11 <b>researched</b> <sup>[1]</sup> - 75:2 <b>reside</b> <sup>[1]</sup> - 70:16 <b>residence</b> <sup>[1]</sup> - 65:27 <b>Residential</b> <sup>[2]</sup> - 6:13, 64:9 <b>residents</b> <sup>[4]</sup> - 35:10, 70:7, 70:11 <b>resistance</b> <sup>[1]</sup> - 24:9 <b>resonated</b> <sup>[1]</sup> - 46:18 <b>respect</b> <sup>[3]</sup> - 23:27, 24:10, 47:24 <b>respond</b> <sup>[2]</sup> - 69:2, 69:3 <b>response</b> <sup>[6]</sup> - 5:12, 7:14, 8:7, 16:3, 78:7, 80:21 <b>responsibility</b> <sup>[1]</sup> - 58:15 <b>rest</b> <sup>[1]</sup> - 44:16 <b>restrictions</b> <sup>[1]</sup> - 41:2 <b>result</b> <sup>[3]</sup> - 7:9, 10:13, 82:15 <b>results</b> <sup>[2]</sup> - 44:4, 44:8 <b>retain</b> <sup>[1]</sup> - 71:16 <b>retrofitted</b> <sup>[1]</sup> - 50:26 <b>right-of-way</b> <sup>[1]</sup> - 7:7 <b>rights</b> <sup>[3]</sup> - 18:18, 23:11, 35:21 <b>rigid</b> <sup>[1]</sup> - 22:13 <b>RILEY</b> <sup>[1]</sup> - 26:5 <b>rise</b> <sup>[2]</sup> - 26:1, 26:6 <b>risk</b> <sup>[3]</sup> - 18:25, 46:26, 47:4 <b>road</b> <sup>[8]</sup> - 6:18, 10:7, 45:9, 55:27, 66:22, 69:4, 69:14, 72:4 <b>Road</b> <sup>[4]</sup> - 6:12, 7:8, 36:27, 40:13 <b>roadmap</b> <sup>[1]</sup> - 22:2 <b>Roberson</b> <sup>[2]</sup> - 7:17, 7:19 <b>ROBERSON</b> <sup>[3]</sup> - 7:19, 8:2, 43:11 <b>Robertsdale</b> <sup>[1]</sup> - 1:15 <b>Roger</b> <sup>[2]</sup> - 29:12, 29:17 <b>ROGER</b> <sup>[27]</sup> - 29:13, 29:26, 30:4, 30:10, 31:15, 34:28, 35:4, 35:16, 36:11, 37:8, 37:13, 37:24, 38:22, 39:5, 39:25, 41:8, 41:11, 41:21, 42:7, 42:23, 43:1, 73:3, 73:10, 73:12, 73:15, 73:17, 75:9 <b>Roll</b> <sup>[1]</sup> - 3:5 <b>roll</b> <sup>[1]</sup> - 4:7 <b>ROLL</b> <sup>[1]</sup> - 4:9	<b>rollcall</b> <sup>[1]</sup> - 8:22 <b>roof</b> <sup>[1]</sup> - 74:24 <b>room</b> <sup>[6]</sup> - 38:14, 38:16, 39:11, 50:3, 50:5, 50:8 <b>RS-2</b> <sup>[1]</sup> - 16:16 <b>RSF-2</b> <sup>[4]</sup> - 6:13, 10:12, 16:16, 59:8 <b>rules</b> <sup>[1]</sup> - 28:20 <b>ruling</b> <sup>[3]</sup> - 47:25, 48:4, 48:11 <b>running</b> <sup>[3]</sup> - 38:15, 38:16, 74:21 <b>runs</b> <sup>[1]</sup> - 75:23  <b>S</b>  <b>safe</b> <sup>[2]</sup> - 18:27, 48:8 <b>safety</b> <sup>[7]</sup> - 23:23, 24:1, 33:19, 46:27, 47:12, 73:18, 73:25 <b>Sakellarides</b> <sup>[1]</sup> - 59:25 <b>SAKELLARIDES</b> <sup>[12]</sup> - 25:3, 25:9, 25:21, 25:27, 27:26, 28:8, 28:15, 28:24, 28:28, 72:14, 72:20, 72:27 <b>Sakellarides</b> <sup>[3]</sup> - 25:10, 60:20, 72:15 <b>sale</b> <sup>[2]</sup> - 38:6, 70:12 <b>Sam</b> <sup>[2]</sup> - 43:27, 48:19 <b>Scenic</b> <sup>[1]</sup> - 16:25 <b>Schneiders</b> <sup>[1]</sup> - 70:23 <b>screen</b> <sup>[4]</sup> - 6:26, 11:23, 15:24, 43:5 <b>second</b> <sup>[18]</sup> - 5:6, 8:19, 18:9, 42:20, 55:20, 60:4, 62:15, 62:17, 62:18, 62:20, 62:23, 77:2, 78:27, 79:26, 80:1, 80:10, 80:15 <b>Section</b> <sup>[2]</sup> - 33:18, 64:12 <b>see</b> <sup>[11]</sup> - 11:9, 12:12, 18:1, 18:2, 26:2, 26:26, 36:4, 42:3, 66:7, 74:7, 74:13 <b>seeing</b> <sup>[1]</sup> - 49:13 <b>seem</b> <sup>[1]</sup> - 47:20 <b>selection</b> <sup>[1]</sup> - 44:9 <b>self</b> <sup>[1]</sup> - 76:11 <b>self-created</b> <sup>[1]</sup> - 76:11 <b>selling</b> <sup>[2]</sup> - 26:18, 38:7 <b>separate</b> <sup>[2]</sup> - 61:3, 70:13	<b>separation</b> <sup>[4]</sup> - 16:21, 18:26, 20:17, 61:6 <b>SEPTEMBER</b> <sup>[1]</sup> - 4:24 <b>September</b> <sup>[3]</sup> - 3:6, 4:28, 9:22 <b>serve</b> <sup>[3]</sup> - 18:19, 33:16, 46:5 <b>set</b> <sup>[4]</sup> - 25:19, 25:20, 25:22, 32:12 <b>setback</b> <sup>[20]</sup> - 6:18, 6:23, 7:8, 11:8, 12:7, 12:9, 12:14, 17:3, 17:4, 26:6, 32:5, 44:21, 44:25, 46:20, 47:5, 57:27, 58:2, 64:4, 65:3, 69:28 <b>setbacks</b> <sup>[11]</sup> - 9:19, 11:7, 12:28, 22:13, 22:16, 31:24, 34:14, 47:13, 48:7, 64:13, 65:5 <b>seven</b> <sup>[10]</sup> - 10:10, 10:25, 11:4, 14:14, 14:25, 15:3, 17:2, 47:9, 64:18, 73:19 <b>seven-point-four-four</b> <sup>[1]</sup> - 10:25 <b>seventeen</b> <sup>[2]</sup> - 50:4, 50:7 <b>several</b> <sup>[5]</sup> - 32:14, 32:18, 49:11, 70:22, 70:24 <b>severe</b> <sup>[1]</sup> - 74:17 <b>shape</b> <sup>[3]</sup> - 45:11, 56:15, 67:2 <b>shaped</b> <sup>[4]</sup> - 16:20, 17:11, 17:14, 66:21 <b>shapes</b> <sup>[1]</sup> - 23:4 <b>share</b> <sup>[1]</sup> - 30:12 <b>shared</b> <sup>[1]</sup> - 44:3 <b>shingles</b> <sup>[1]</sup> - 51:15 <b>shoes</b> <sup>[1]</sup> - 55:5 <b>Shore</b> <sup>[5]</sup> - 9:28, 25:13, 36:17, 64:8, 74:19 <b>shorter</b> <sup>[1]</sup> - 51:7 <b>show</b> <sup>[3]</sup> - 11:28, 46:18, 75:17 <b>showing</b> <sup>[4]</sup> - 11:7, 44:12, 65:2, 65:5 <b>shown</b> <sup>[1]</sup> - 24:5 <b>shows</b> <sup>[2]</sup> - 11:8, 55:24 <b>shrink</b> <sup>[1]</sup> - 37:14 <b>side</b> <sup>[39]</sup> - 6:18, 9:19, 10:7, 10:8, 11:4, 11:5, 14:8, 14:9, 14:10, 14:22, 15:1, 17:3, 17:28, 18:1,	19:10, 20:2, 22:13, 27:12, 33:24, 34:4, 50:9, 61:13, 64:4, 64:13, 64:16, 64:18, 64:19, 64:20, 65:27, 66:4, 69:20, 73:19, 73:20, 73:23, 74:12, 74:14, 74:15, 74:16, 74:20 <b>sides</b> <sup>[3]</sup> - 33:26, 48:2, 74:23 <b>signature</b> <sup>[1]</sup> - 83:12 <b>signed</b> <sup>[4]</sup> - 6:3, 7:17, 16:6, 21:26 <b>significantly</b> <sup>[1]</sup> - 48:2 <b>signify</b> <sup>[1]</sup> - 80:17 <b>signs</b> <sup>[1]</sup> - 71:2 <b>silent</b> <sup>[1]</sup> - 5:23 <b>similar</b> <sup>[3]</sup> - 31:5, 36:4, 65:21 <b>sincerely</b> <sup>[1]</sup> - 48:19 <b>Single</b> <sup>[2]</sup> - 6:14, 64:9 <b>single</b> <sup>[11]</sup> - 6:16, 9:17, 16:16, 23:12, 31:9, 31:15, 40:1, 45:22, 45:24, 45:25, 64:5 <b>Single-Family</b> <sup>[2]</sup> - 6:14, 64:9 <b>single-family</b> <sup>[8]</sup> - 6:16, 9:17, 16:16, 23:12, 45:22, 45:24, 45:25, 64:5 <b>sister</b> <sup>[1]</sup> - 53:26 <b>sit</b> <sup>[3]</sup> - 41:18, 42:14, 49:15 <b>site</b> <sup>[10]</sup> - 6:27, 7:2, 10:18, 11:3, 11:7, 37:6, 37:7, 65:6, 73:12, 74:4 <b>sites</b> <sup>[1]</sup> - 42:4 <b>sits</b> <sup>[1]</sup> - 49:17 <b>sitting</b> <sup>[3]</sup> - 18:7, 20:9, 71:26 <b>situation</b> <sup>[4]</sup> - 17:26, 20:28, 53:24, 73:27 <b>six</b> <sup>[14]</sup> - 10:27, 11:3, 14:4, 14:14, 27:23, 31:10, 32:6, 52:11, 54:7, 58:25, 64:20, 66:2, 66:11, 67:18 <b>sixteen</b> <sup>[1]</sup> - 10:9 <b>sixty</b> <sup>[9]</sup> - 31:10, 31:27, 31:28, 39:6, 43:15, 46:14, 52:8, 64:24, 76:7 <b>sixty-five</b> <sup>[2]</sup> - 46:14, 52:8 <b>sixty-six</b> <sup>[1]</sup> - 31:10 <b>sixty-three</b> <sup>[2]</sup> - 31:27,	76:7 <b>size</b> <sup>[19]</sup> - 7:7, 15:9, 22:4, 27:9, 29:16, 32:1, 37:21, 37:22, 37:28, 39:21, 39:27, 55:23, 56:16, 58:17, 58:21, 58:28, 59:2, 59:7, 66:28 <b>sized</b> <sup>[1]</sup> - 45:5 <b>sketch</b> <sup>[1]</sup> - 11:20 <b>Skinner</b> <sup>[1]</sup> - 70:24 <b>slightly</b> <sup>[1]</sup> - 30:19 <b>small</b> <sup>[7]</sup> - 7:6, 11:18, 36:23, 50:1, 50:14, 69:20, 69:26 <b>smaller</b> <sup>[5]</sup> - 27:19, 32:26, 53:9, 65:22, 66:27 <b>sole</b> <sup>[1]</sup> - 30:15 <b>solely</b> <sup>[3]</sup> - 18:20, 33:9, 33:17 <b>someone</b> <sup>[6]</sup> - 44:19, 58:8, 58:16, 59:1, 59:2, 60:10 <b>sometimes</b> <sup>[5]</sup> - 5:26, 59:18, 60:17, 61:10, 61:15 <b>son</b> <sup>[1]</sup> - 43:27 <b>sorry</b> <sup>[10]</sup> - 12:13, 14:8, 38:23, 53:22, 59:7, 62:16, 65:7, 73:13, 77:7, 80:9 <b>sought</b> <sup>[1]</sup> - 33:9 <b>sounds</b> <sup>[1]</sup> - 45:4 <b>south</b> <sup>[13]</sup> - 9:19, 10:4, 10:28, 30:11, 33:24, 43:26, 64:28, 65:6, 65:27, 68:6, 71:27, 74:16, 75:7 <b>southeast</b> <sup>[1]</sup> - 64:19 <b>southwest</b> <sup>[1]</sup> - 64:20 <b>Spanish</b> <sup>[2]</sup> - 26:24, 70:14 <b>speaker</b> <sup>[13]</sup> - 24:28, 43:24, 48:28, 54:24, 54:28, 67:11, 68:17, 69:3, 69:9, 72:13, 73:2, 76:22, 77:25 <b>speaking</b> <sup>[1]</sup> - 67:13 <b>specialness</b> <sup>[1]</sup> - 51:27 <b>specific</b> <sup>[2]</sup> - 52:3, 77:8 <b>spent</b> <sup>[1]</sup> - 44:14 <b>spot</b> <sup>[2]</sup> - 56:1, 68:7 <b>square</b> <sup>[21]</sup> - 10:9, 10:11, 10:19, 14:15, 31:6, 31:9, 31:12, 31:17, 32:9, 33:3, 38:2, 44:27, 45:2,
--	--	--	--	--

## BALDWIN COUNTY DISTRICT 2 PLANNING AND ZONING DISTRICT BOARD OF ADJUSTMENT 10/14/2019

<p>45:3, 49:24, 49:25, 50:13, 52:10, 52:11, 52:14, 65:23 <b>square-feet</b> [1] - 10:11 <b>stack</b> [1] - 25:24 <b>Staff</b> [1] - 7:9 <b>staff</b> [22] - 7:3, 7:13, 8:10, 8:11, 11:12, 11:14, 14:4, 15:9, 22:12, 22:26, 34:22, 46:28, 48:18, 57:9, 58:6, 61:18, 61:20, 61:22, 65:8, 65:12, 68:23, 78:6 <b>staff's</b> [8] - 8:16, 13:11, 23:10, 58:5, 58:12, 58:15, 61:17, 78:25 <b>stage</b> [2] - 41:19, 41:24 <b>stand</b> [1] - 72:16 <b>standards</b> [2] - 18:13, 49:8 <b>Standards</b> [1] - 33:13 <b>staring</b> [1] - 68:6 <b>start</b> [4] - 38:14, 38:15, 55:26, 69:19 <b>starts</b> [1] - 12:3 <b>state</b> [4] - 5:27, 59:4, 59:9, 63:17 <b>STATE</b> [1] - 82:3 <b>statement</b> [3] - 44:1, 44:2, 46:17 <b>states</b> [6] - 45:20, 46:8, 56:7, 58:2, 59:5, 60:23 <b>stay</b> [1] - 54:10 <b>stenotype</b> [1] - 82:8 <b>steps</b> [1] - 39:18 <b>still</b> [8] - 20:16, 50:28, 66:12, 66:18, 68:28, 71:25, 72:16, 80:5 <b>stood</b> [1] - 19:20 <b>stories</b> [1] - 44:28 <b>storm</b> [3] - 12:24, 20:5, 33:27 <b>story</b> [3] - 31:9, 31:16, 31:17 <b>straight</b> [2] - 15:25, 45:7 <b>Street</b> [1] - 1:15 <b>street</b> [10] - 16:27, 21:2, 32:15, 45:2, 66:25, 74:5, 74:6, 74:8, 74:9, 74:20 <b>streets</b> [1] - 23:21 <b>stressed</b> [1] - 33:8 <b>stresses</b> [1] - 45:12 <b>strict</b> [1] - 75:17 <b>strong</b> [1] - 44:11</p>	<p><b>structure</b> [4] - 19:5, 19:14, 21:2, 21:14 <b>structures</b> [4] - 17:5, 20:4, 60:25, 60:27 <b>stuck</b> [1] - 56:2 <b>study</b> [1] - 41:17 <b>stuff</b> [2] - 41:20, 42:26 <b>stupid</b> [1] - 52:26 <b>subdivide</b> [1] - 58:8 <b>subdivided</b> [5] - 23:8, 33:7, 50:11, 69:23, 69:24 <b>Subdivision</b> [4] - 22:15, 23:7, 69:25, 72:1 <b>subdivision</b> [1] - 64:28 <b>subdivisions</b> [1] - 41:1 <b>subject</b> [9] - 6:11, 6:28, 9:27, 10:2, 13:28, 64:7, 64:8, 64:26, 72:5 <b>subjective</b> [3] - 24:15, 70:26, 70:27 <b>submissions</b> [1] - 42:13 <b>submit</b> [5] - 41:16, 42:7, 42:8, 42:11, 42:12 <b>submitted</b> [6] - 7:2, 9:25, 10:5, 41:28, 43:1, 55:28 <b>submitting</b> [1] - 55:10 <b>successfully</b> [1] - 24:12 <b>suffice</b> [1] - 75:26 <b>suggest</b> [1] - 26:14 <b>suggestion</b> [3] - 21:3, 23:2, 27:27 <b>summer</b> [2] - 51:19, 70:7 <b>supervisor</b> [1] - 71:4 <b>support</b> [3] - 48:18, 53:13, 71:13 <b>supporting</b> [1] - 23:2 <b>supports</b> [1] - 47:1 <b>suppose</b> [1] - 62:23 <b>surge</b> [1] - 12:24 <b>Survey</b> [1] - 65:5 <b>survey</b> [4] - 10:5, 15:24, 44:23, 65:2 <b>surveyor</b> [2] - 12:4, 15:13 <b>surveys</b> [1] - 41:16 <b>SUSAN</b> [1] - 82:21 <b>Susan</b> [2] - 1:15, 83:8 <b>system</b> [1] - 75:12</p>	<p><b>T</b></p> <p><b>tables</b> [1] - 42:15 <b>tapered</b> [2] - 74:7, 74:10 <b>tapers</b> [3] - 39:8, 40:4, 45:8 <b>technicalities</b> [1] - 44:19 <b>Technician</b> [1] - 2:10 <b>ten</b> [11] - 15:1, 17:23, 27:12, 32:4, 56:8, 60:27, 61:2, 61:4, 61:7, 64:14, 69:19 <b>tend</b> [1] - 50:6 <b>tens</b> [1] - 36:19 <b>tenth</b> [1] - 70:18 <b>THE</b> [2] - 1:2, 5:16 <b>themselves</b> [1] - 34:18 <b>they've</b> [3] - 19:21, 19:22, 20:1 <b>thinks</b> [2] - 57:26, 59:2 <b>third</b> [6] - 16:9, 18:24, 45:1, 53:3, 53:11, 53:28 <b>thirteen</b> [9] - 16:21, 17:4, 18:26, 20:4, 20:12, 21:13, 50:23, 52:9, 61:6 <b>thirty</b> [21] - 10:6, 14:11, 14:13, 15:11, 17:2, 27:10, 27:20, 33:4, 36:18, 36:20, 38:27, 39:3, 40:22, 49:26, 54:9, 58:27, 65:23, 66:22, 66:26, 69:17, 72:4 <b>thirty-eight</b> [1] - 65:23 <b>thirty-five</b> [5] - 10:6, 36:18, 66:22, 69:17, 72:4 <b>thirty-nine</b> [1] - 49:26 <b>thirty-one-point-</b> <b>something</b> [1] - 14:11 <b>thirty-point-five-</b> <b>three</b> [1] - 14:13 <b>thirty-seven</b> [1] - 17:2 <b>thorough</b> [1] - 44:4 <b>thousand</b> [12] - 10:10, 31:16, 33:2, 38:1, 38:3, 38:12, 40:23, 40:25, 49:23, 49:25, 50:13, 52:11 <b>thousands</b> [3] - 36:20, 36:25, 44:14 <b>three</b> [16] - 10:10, 14:13, 17:3, 22:26,</p>	<p>27:23, 31:16, 31:27, 33:2, 38:1, 38:3, 60:6, 60:7, 68:24, 69:12, 72:3, 76:7 <b>threshold</b> [1] - 22:24 <b>throw</b> [1] - 54:4 <b>tide</b> [25] - 11:9, 11:19, 11:28, 12:2, 12:4, 12:8, 12:11, 12:12, 12:13, 12:14, 12:15, 20:5, 27:14, 30:21, 30:25, 30:28, 31:1, 31:24, 36:1, 53:5, 53:7, 58:4, 65:4, 71:27 <b>tiny</b> [1] - 49:18 <b>TO</b> [2] - 4:3, 5:16 <b>today</b> [6] - 22:10, 31:5, 47:15, 53:13, 58:9, 72:16 <b>today's</b> [1] - 43:4 <b>together</b> [4] - 20:27, 29:19, 42:26, 70:16 <b>Tolbert</b> [1] - 60:4 <b>took</b> [1] - 60:7 <b>top</b> [4] - 14:17, 41:2, 51:20, 51:26 <b>topographic</b> [1] - 7:6 <b>total</b> [3] - 46:11, 64:25 <b>totally</b> [2] - 39:20, 49:14 <b>toward</b> [2] - 65:27, 71:27 <b>towards</b> [2] - 37:26, 55:27 <b>town</b> [1] - 53:14 <b>transcribed</b> [1] - 82:8 <b>transcript</b> [3] - 82:7, 82:11, 83:5 <b>transcription</b> [2] - 82:9, 83:7 <b>travel</b> [1] - 47:10 <b>treasure</b> [1] - 32:21 <b>trespassing</b> [1] - 71:2 <b>triangular</b> [1] - 69:18 <b>tried</b> [2] - 24:12, 37:28 <b>Troyke</b> [2] - 3:11, 6:11 <b>TROYKE</b> [1] - 6:6 <b>Troykes</b> [1] - 7:20 <b>truck</b> [2] - 47:7, 47:10 <b>true</b> [2] - 82:10, 83:7 <b>try</b> [4] - 41:25, 49:3, 49:15, 54:3 <b>trying</b> [9] - 25:16, 27:18, 37:18, 41:6, 42:23, 59:24, 61:14, 67:18 <b>turn</b> [2] - 5:22, 5:23 <b>twelve</b> [1] - 6:21 <b>twenty</b> [41] - 6:22,</p>	<p>11:10, 14:3, 14:6, 14:14, 15:3, 15:14, 15:26, 17:9, 29:15, 31:26, 32:2, 33:2, 36:9, 36:10, 36:12, 36:14, 37:3, 37:11, 38:15, 38:20, 38:24, 39:3, 39:12, 39:14, 40:22, 42:3, 43:14, 49:19, 52:7, 52:14, 54:8, 55:21, 55:25, 55:26, 56:2, 56:5, 64:23, 66:14, 76:2, 76:6 <b>twenty-five</b> [7] - 32:2, 39:12, 39:14, 55:21, 55:26, 56:2, 66:14 <b>twenty-four</b> [3] - 36:9, 36:10, 38:15 <b>twenty-four-and-a-</b> <b>half</b> [1] - 56:5 <b>twenty-four-point-</b> <b>five</b> [11] - 29:15, 31:26, 33:2, 36:12, 36:14, 37:3, 37:11, 38:20, 42:3, 43:14, 76:6 <b>twenty-nine</b> [1] - 52:14 <b>twenty-nine-and-a-</b> <b>half</b> [1] - 17:9 <b>twenty-nine-point</b> [1] - 14:3 <b>twenty-nine-point-</b> <b>fifty</b> [1] - 64:23 <b>twenty-nine-point-</b> <b>five</b> [1] - 76:2 <b>twenty-nine-point-</b> <b>six-seven</b> [1] - 14:14 <b>twenty-nine-point-</b> <b>something</b> [1] - 14:6 <b>twenty-two-point-</b> <b>nine-seven</b> [1] - 15:3 <b>twice</b> [1] - 53:21 <b>two</b> [40] - 6:24, 10:22, 10:27, 11:4, 14:25, 15:3, 17:21, 18:14, 22:12, 22:27, 23:7, 29:28, 31:9, 31:17, 33:6, 35:13, 40:23, 43:12, 43:28, 44:28, 49:17, 50:2, 52:10, 58:23, 59:11, 60:5, 60:8, 60:13, 63:16, 65:28, 66:4, 67:16, 69:13, 69:16, 69:26, 71:1, 71:3, 71:25, 79:10 <b>two-point-five-six</b> [1] - 10:27</p>
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## BALDWIN COUNTY DISTRICT 2 PLANNING AND ZONING DISTRICT BOARD OF ADJUSTMENT 10/14/2019

<b>two-story</b> <sup>[1]</sup> - 31:17 <b>two-to-one</b> <sup>[2]</sup> - 60:5, 60:8 <b>type</b> <sup>[1]</sup> - 37:4 <b>typical</b> <sup>[1]</sup> - 36:16	17:24, 17:26, 18:6, 20:25, 21:1, 21:3, 23:25, 34:1, 46:21 <b>values</b> <sup>[6]</sup> - 23:24, 23:26, 34:2, 46:27, 52:22, 71:17 <b>variance</b> <sup>[68]</sup> - 6:15, 6:20, 7:5, 9:16, 10:24, 10:27, 11:1, 13:22, 14:22, 16:8, 17:8, 17:22, 17:25, 18:4, 18:13, 18:14, 18:23, 21:6, 26:12, 26:20, 27:2, 27:11, 27:18, 27:22, 28:13, 30:14, 30:15, 30:26, 31:18, 32:11, 32:20, 33:8, 33:11, 38:27, 40:2, 40:7, 43:16, 45:13, 45:17, 45:19, 45:20, 46:5, 46:9, 46:25, 48:1, 48:6, 50:22, 52:17, 54:11, 56:1, 58:24, 59:28, 60:8, 60:20, 60:21, 62:13, 64:5, 64:11, 64:22, 66:1, 66:18, 69:9, 71:8, 71:24, 75:23, 75:26, 76:8, 76:24 <b>variances</b> <sup>[14]</sup> - 22:22, 22:24, 23:1, 23:11, 23:19, 24:11, 28:4, 31:20, 40:12, 44:10, 48:6, 52:1, 59:23, 72:6 <b>VE</b> <sup>[19]</sup> - 12:9, 12:18, 12:23, 12:24, 30:16, 31:3, 32:13, 32:16, 32:17, 32:21, 45:12, 45:14, 57:28, 58:1, 67:15, 67:19, 67:21, 67:25, 70:2 <b>vehicles</b> <sup>[2]</sup> - 33:26, 74:1 <b>velocity</b> <sup>[1]</sup> - 12:23 <b>vestibule</b> <sup>[1]</sup> - 5:24 <b>view</b> <sup>[9]</sup> - 11:6, 19:21, 19:25, 19:27, 32:18, 50:9, 65:4, 68:5, 71:27 <b>viewpoint</b> <sup>[1]</sup> - 55:4 <b>village</b> <sup>[1]</sup> - 68:28 <b>violating</b> <sup>[1]</sup> - 33:10 <b>volunteer</b> <sup>[2]</sup> - 42:20, 42:21 <b>volunteered</b> <sup>[1]</sup> - 56:11 <b>vote</b> <sup>[11]</sup> - 8:22, 8:25, 42:28, 60:5, 60:8,	60:13, 63:3, 63:16, 68:20, 79:9, 80:11 <b>voted</b> <sup>[5]</sup> - 9:21, 41:12, 42:2, 60:12, 68:21 <b>vu</b> <sup>[1]</sup> - 25:10	36:7, 37:4, 38:9, 38:20, 56:4, 58:16, 60:24 <b>widths</b> <sup>[1]</sup> - 38:10 <b>WILLIAM</b> <sup>[4]</sup> - 49:1, 54:22, 76:28, 77:7 <b>William</b> <sup>[3]</sup> - 49:2, 76:27, 76:28 <b>willing</b> <sup>[1]</sup> - 71:13 <b>Winding</b> <sup>[1]</sup> - 70:19 <b>windows</b> <sup>[2]</sup> - 50:8, 61:12 <b>wish</b> <sup>[2]</sup> - 6:1, 25:27 <b>wishes</b> <sup>[1]</sup> - 8:5 <b>woman</b> <sup>[1]</sup> - 70:8 <b>won</b> <sup>[1]</sup> - 71:9 <b>wood</b> <sup>[1]</sup> - 51:2 <b>wooden</b> <sup>[2]</sup> - 73:21, 73:23 <b>word</b> <sup>[1]</sup> - 46:12 <b>worded</b> <sup>[1]</sup> - 45:27 <b>worn</b> <sup>[1]</sup> - 47:18 <b>worried</b> <sup>[2]</sup> - 21:1, 51:8 <b>write</b> <sup>[1]</sup> - 67:19 <b>writing</b> <sup>[1]</sup> - 67:24	<b>zoning</b> <sup>[25]</sup> - 6:17, 9:18, 10:17, 10:18, 12:28, 21:7, 22:11, 22:26, 23:5, 23:6, 34:11, 35:24, 41:2, 50:18, 52:1, 57:27, 57:28, 58:7, 59:4, 59:6, 59:8, 61:5, 75:18, 77:11, 77:14 <b>ZONING</b> <sup>[2]</sup> - 1:4, 2:7
<b>U</b>		<b>W</b>		
<b>un-buildable</b> <sup>[1]</sup> - 45:16 <b>un-zoned</b> <sup>[1]</sup> - 61:1 <b>unanimous</b> <sup>[1]</sup> - 44:8 <b>unanimously</b> <sup>[3]</sup> - 31:8, 32:11, 47:27 <b>under</b> <sup>[5]</sup> - 20:18, 22:23, 33:12, 34:19, 69:17 <b>unique</b> <sup>[1]</sup> - 75:19 <b>unison</b> <sup>[2]</sup> - 5:9, 80:18 <b>unless</b> <sup>[1]</sup> - 61:26 <b>unnecessary</b> <sup>[1]</sup> - 75:19 <b>unreasonably</b> <sup>[1]</sup> - 23:20 <b>up</b> <sup>[51]</sup> - 5:26, 6:3, 7:18, 16:5, 16:6, 16:11, 17:15, 17:17, 17:18, 18:9, 18:24, 19:13, 19:18, 20:3, 20:20, 20:23, 21:26, 25:2, 25:6, 25:13, 28:9, 29:12, 29:14, 35:1, 35:7, 36:26, 40:14, 41:12, 49:13, 51:3, 51:18, 54:4, 55:22, 56:6, 57:1, 57:13, 66:14, 67:15, 68:4, 70:18, 73:4, 73:5, 73:8, 73:26, 74:2, 74:4, 74:9, 74:10, 74:11 <b>uphold</b> <sup>[1]</sup> - 22:20 <b>upset</b> <sup>[1]</sup> - 42:23 <b>upstairs</b> <sup>[1]</sup> - 39:18 <b>usable</b> <sup>[1]</sup> - 39:20 <b>usual</b> <sup>[2]</sup> - 5:20, 79:26		<b>walk</b> <sup>[1]</sup> - 11:23 <b>wants</b> <sup>[3]</sup> - 26:22, 33:4, 34:8 <b>warrant</b> <sup>[1]</sup> - 71:6 <b>water</b> <sup>[19]</sup> - 10:8, 16:26, 19:16, 19:19, 19:27, 26:27, 27:4, 27:8, 35:11, 35:14, 37:26, 38:4, 55:27, 66:10, 68:4, 73:28, 74:12, 74:17, 74:28 <b>waterfront</b> <sup>[4]</sup> - 32:24, 36:16, 40:15, 40:22 <b>waterfronts</b> <sup>[1]</sup> - 40:20 <b>week</b> <sup>[1]</sup> - 26:28 <b>weeks</b> <sup>[1]</sup> - 19:17 <b>welcome</b> <sup>[3]</sup> - 13:5, 13:16, 34:9 <b>welfare</b> <sup>[2]</sup> - 24:2, 33:20 <b>west</b> <sup>[3]</sup> - 7:1, 11:5, 14:9 <b>what-have-you</b> <sup>[1]</sup> - 61:12 <b>whichever</b> <sup>[1]</sup> - 58:16 <b>whole</b> <sup>[4]</sup> - 60:12, 65:24, 66:19, 75:10 <b>wide</b> <sup>[39]</sup> - 10:6, 10:7, 13:20, 13:25, 14:11, 14:25, 15:11, 15:17, 16:26, 16:27, 17:2, 17:10, 27:21, 28:22, 29:15, 31:27, 33:5, 36:10, 38:28, 39:12, 40:4, 40:6, 40:8, 44:26, 46:10, 49:19, 49:26, 49:27, 50:5, 50:7, 51:5, 56:5, 58:9, 58:25, 59:16, 59:27, 64:24, 66:26 <b>widens</b> <sup>[1]</sup> - 14:17 <b>wider</b> <sup>[4]</sup> - 37:16, 37:27, 39:8, 39:9 <b>widest</b> <sup>[6]</sup> - 14:20, 14:24, 27:13, 27:22, 49:27, 49:28 <b>width</b> <sup>[14]</sup> - 10:11, 10:20, 11:2, 13:21, 14:6, 27:17, 28:12,	<b>Y</b>	<b>y'all</b> <sup>[16]</sup> - 25:28, 26:2, 52:2, 53:16, 53:17, 53:23, 54:10, 55:1, 55:20, 56:13, 56:28, 66:16, 80:6, 80:8 <b>y'all's</b> <sup>[1]</sup> - 80:27 <b>yard</b> <sup>[4]</sup> - 33:26, 64:4, 64:13, 74:12 <b>year</b> <sup>[2]</sup> - 17:2, 26:10 <b>years</b> <sup>[2]</sup> - 36:19, 36:20
<b>V</b>			<b>Z</b>	
<b>V-190038</b> <sup>[4]</sup> - 3:11, 6:6, 6:9, 7:10 <b>V-190039</b> <sup>[4]</sup> - 3:12, 9:11, 9:14, 11:15 <b>V-190040</b> <sup>[4]</sup> - 3:14, 63:26, 64:2, 65:8 <b>V-Zone</b> <sup>[1]</sup> - 7:8 <b>vacation</b> <sup>[2]</sup> - 49:21, 51:24 <b>value</b> <sup>[10]</sup> - 17:23,			<b>zero</b> <sup>[2]</sup> - 10:24, 27:23 <b>Zone</b> <sup>[18]</sup> - 7:8, 12:10, 12:18, 30:16, 31:3, 32:13, 32:16, 32:18, 32:21, 45:12, 45:14, 57:28, 58:2, 67:19, 67:22, 67:25, 70:3 <b>zone</b> <sup>[5]</sup> - 12:21, 12:24, 12:25, 13:1, 45:15 <b>zoned</b> <sup>[4]</sup> - 6:13, 10:12, 61:1, 64:9 <b>zones</b> <sup>[1]</sup> - 12:20 <b>Zoning</b> <sup>[4]</sup> - 22:1, 33:12, 63:22, 64:12	



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Planning District 16
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Pat Murphy

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Roger S. Kobay  
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Gwendolyn Healy  
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PAT MURPHY

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**I/We would like to address the Board of Adjustment on the following topic:**

- \_\_\_\_\_ a.) V-190038 Troyke Property, 12059 County Road 1, Planning District 26
- \_\_\_\_\_ b.) V-190039 Montiel Family Investments LTD Property, 24181 Bay Shore Drive, Planning District 16
- ☒ c.) V-190040 Montiel Family Investments LTD Property, 24179 Bay Shore Drive, Planning District 16
- \_\_\_\_\_ d.) Other

Roger S. Koby  
**PRINT NAME CLEARLY**

**REGISTRATION TO ADDRESS THE  
BALDWIN COUNTY COMMISSION # 2  
PLANNING & ZONING  
BOARD OF ADJUSTMENT  
Monday, October 14, 2019, 4:00 p.m.  
Central Annex Auditorium  
Robertsdale, Alabama**

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Gwendolyn Healy

PRINT NAME CLEARLY



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